UNIVERSITY OF PENNSYLVANIA

LORDS VERSUS COMMONS
A CENTURY OF CONFLICT AND COMPROMISE, 1830–1930

EMILY ALLYN

A THESIS

IN HISTORY

PRESENTED TO THE FACULTY OF THE GRADUATE SCHOOL IN
PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR
THE DEGREE OF DOCTOR OF PHILOSOPHY

PHILADELPHIA
1931

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To

ELIZABETH KIMBALL KENDALL

sometime Professor of History

at

Wellesley College

with the homage of an old pupil

PREFACE

Now that the passions engendered by the partisan struggle over its passage have had time to cool, the Parliament Act of 1911 must appear to most observers as one of those important definitions of the constitution so characteristic of English history. The term *definition* is used advisedly, for the British constitution, being unwritten, is not subject to amendment in the sense familiar in America, and because the Parliament Act does not so much effect a change as set the seal of statutory authority upon changes already brought about by slow and almost imperceptible degrees. It is with the object of tracing those gradual changes in the personal and constitutional relations between the House of Lords and the House of Commons, which reached a climax if not a settlement in the Parliament Act, that this volume has been written. Starting with an examination of the position of the two Houses on the eve of the first Reform Act, it traces the influence upon their relations to each other and to the electorate of the gradual transformation of the House of Commons from aristocracy to democracy. Economic and social developments are treated only in so far as they affected the political situation. It seeks to show why the demand arose for a reform of the Lords or a restriction of their powers and what attempts were made, prior to the Parliament Act, to effect such changes; why the policy of reform or restriction was supported by the Liberal, Irish Nationalist and Labor parties; and how the Lords' rejection of the budget in 1909 played into the hands of their enemies and made possible the passage of the Parliament Act. In conclusion, the reasons for dissatisfaction with the Parliament Act are considered and the recent proposals in regard to reform of the House of Lords are briefly dealt with.

The period covered is a long one and crowded with important movements. It is scarcely to be hoped that all errors and misstatements will have been avoided, still less that all the interpretations of events will meet with general acceptance. But the author ventures to hope that her work may bear the mark of an honest attempt to discover and portray "how things happened"; and that her democratic

convictions may not have betrayed her into an unfair or unsympathetic treatment of other views.

Thanks are due to many for kindly advice and encouragement, but in particular to Dr. Edward P. Cheyney, Henry C. Lea Professor of History at the University of Pennsylvania, without whose generous and ever friendly criticism, the work could not have been completed. If it has any merit, it is due in large measure to his inspiration and encouragement. The faults are all my own.

Wilson College,
Chambersburg, Pennsylvania,
1931.

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LORDS *VERSUS* COMMONS

CHAPTER I

The Passing of the Old Régime, 1832

"It is only by the influence of Property over the election of Members of the House of Commons, and by the influence of the Crown and of this House, and of the property of the country upon its proceedings, that the great powers of such a body as the House of Commons can be exercised with discretion and safety. The King could not perform the duties of his high station, nor the House of Lords, if the House of Commons were formed on the principle and plan proposed by this Bill."

Duke of Wellington, House of Lords, October 4, 1831.[1]

In its early formative period the English parliament, more by accident than design, developed the practice of sitting in two houses, the citizens and burgesses and knights of the shire forming the House of Commons, the bishops, abbots and lay peers forming the House of Lords. Centuries later, the statesmen of other countries, looking with admiration at the working of the British parliamentary system and regarding the bicameral form of its legislature as part of the secret of its success, copied it widely in the institutions of their own countries. Curiously enough, during the very period when the British parliament was serving as the model, not only for the British dominions beyond the seas but for many European states, the relations between the House of Lords and the House of Commons were confronting British statesmen with a problem which survived until 1911, if indeed it is not still alive. Searching for the roots of the problem, the Reform Act of 1832 appears to mark a crisis in the relations between the Houses. The Parliament Act of 1911, both in the object at which it aimed, and in the manner in which it was carried, was the direct descendant of the first Reform Act. To understand the changes effected by that measure in the relations between the Houses, it is essential to recall the main features of the old régime, for whose passing it set the bells a-tolling.

The classic theory of the constitution as propounded by Blackstone plainly asserted the equality of the three branches of the legislature,

[1] *Hansard*, third series, VII, 1200.

King, Lords, and Commons. But long before 1832, practice no longer corresponded with theory, if indeed it ever had. The Civil War and the Revolution had substituted a king holding by parliamentary title for a king by divine right, and had limited the royal prerogative in important respects. But it remained for the Whig oligarchy following the Revolution which was largely of their making to evolve the cabinet system. By this means the important prerogatives still left to the Crown were reconciled with parliamentary sovereignty through the ingenious device of permitting their exercise only on the advice of ministers responsible to parliament. This masterpiece of statecraft was not the work of a day and was never embodied in a statute. It had its origin in the dependence of the first two Georges on the Whig magnates who had secured their succession. Ignorant of English politics and even of the English language, they were content for the most part to place their prerogative and their patronage in the hands of their ministers. The combination of royal patronage with their own territorial and family influence enabled Whig ministers to maintain a majority in the House of Commons, without which it had become impossible for the administration to be carried on.

It was no accident that the period which saw the beginnings of cabinet government followed close on the heels of the Commons' successful assertion of their sole right to control taxation and expenditure. The precedence of the Commons in granting supplies had been conceded as early as Lancastrian times; but it was only after the Restoration, in 1661, that the Commons challenged the Lords' right to amend money bills.[2] The Commons' claims were embodied in a resolution of 1678, which was subsequently appealed to whenever the Lords challenged their privileges:

"Resolved *etc.*, That all Aids and Supplies, and Aids to his Majesty in Parliament, are the sole Gift of the Commons: And all Bills for Granting of any such Aids and Supplies ought to begin with the Commons: And that it is the undoubted and sole Right of the Commons, to direct, limit, and appoint, in such Bills, the Ends, Purposes, Considerations, Conditions, Limitations, and Qualifications of such Grants; which ought not to be changed or altered by the House of Lords." [3]

The determination of the Commons to make good these claims accounts for most of the conflicts between the Houses in the century

[2] Henry Hallam, *Constitutional History of England* (New York, 1847), pp. 508–511.

[3] *Commons' Journals*, IX, 509, July 3, 1678.

following the Restoration. In theory, the Lords never acknowledged the justice of the Commons' claims. In practice, they acquiesced grudgingly in their impotence to amend money bills; but stubbornly defended their right to reject them lest the Commons, by "tacking," should deprive them of their legislative power as well. The Lords' stand in regard to "tacks" was clearly stated in a standing order of December 9, 1702:

> "That the annexing any clause or clauses to a Bill of Aid or Supply—the matter of which is foreign to and different from the said Bill of Aid or Supply—is unparliamentary, and tends to the destruction of the constitution of Government." [4]

On two occasions, in 1726 and 1740, the Lords protested because a royal message in regard to finance had been sent only to the Commons. On the second occasion, Lord Hardwicke, the lord chancellor,

> "maintained that to send a message touching finance only to the Commons was as natural and proper as to send one touching judicature only to the Lords—there was an exact analogy."

But Lord Carteret disputed this view as tantamount to acknowledging the Commons' exclusive right to deal with financial affairs.[5]

Since the Commons' control of the purse had made the ministry responsible to the Lower House, it is not surprising to find that although the greater number of ministers before 1832 were peers, the three who wielded the greatest power in the state, namely Walpole and the two Pitts, were all commoners.[6] It is surprising to find the peers, strong by reason of their traditions, their wealth and territorial influence, and their social prestige, acquiescing in changes which reduced their chamber to a position of second-rate political importance. The clue to their acquiescence is to be found in the anomalies of the electoral system which, by enabling them to nominate a large proportion of the members of the Lower House, reconciled them to the growing importance of that body so long as they controlled it indirectly.

The degree of control which the peers thus acquired over the House of Commons was variously estimated by contemporaries. John Robin-

[4] Quoted by Sir T. Erskine May, *A Treatise on the Law, Privileges, Proceedings and Usage of Parliament* (London 1883), p. 648.

[5] A. S. Turberville, *The House of Lords in the XVIIIth Century* (Oxford 1927), pp. 22–23.

[6] Walpole and the elder Pitt took peerages, but only when their power was on the wane.

son, who as senior secretary of the Treasury Board from 1774–1784, had supervised the general elections of 1774 and 1780 and directed that of 1784 after his retirement from the Treasury, drew up for that occasion an elaborate report of electoral prospects which throws much light on the prevailing conditions. The report may be summarized under the six headings used by Robinson.

"Friends—Close, or Under Decisive Influence."

Under this heading are listed thirty-six borough and five county seats, the nomination to which was vested in ten peers, three commoners and the government.

"For Communication. These are supposed to be partly accessible in one way and partly in other ways, which till communication cannot well be judged of."

Included under this heading are sixty-five borough and four county seats. Office, a peerage, or money are indicated as the probable means of securing them.

"Money."

This simple caption covers fifty-two borough seats, the estimated expense of which is £117,500.

"No Money."

Twenty-six borough seats and one county seat, controlled by forty-five peers and six commoners, are included in this list.

"Adverse."

This list comprises eighteen borough and two county seats.

"Open boroughs where seats may Probably be Obtained with Expence."

Under this head are listed seventeen boroughs at an estimated cost of £35,000.

Combining the various lists, we find that of the 209 seats listed, exclusive of the seventeen open boroughs in the last group, eighty-five were controlled by thirty-six commoners, 103 by thirty-eight peers, and twenty-one by the government.[7] It is noteworthy that 197 of the seats in Robinson's list are for boroughs and only twelve for counties. Opinions differ as to the independence of the county

[7] *The Parliamentary Papers of John Robinson, 1774–84,* edited by W. T. Laprade, Camden Society, third series, XXXIII, pp. 106–109. Cited hereafter as *Robinson Papers.*

electorates and the extent to which they were dominated by aristocratic influence.[8] But as compared with borough electorates, the county electorates were large and this made the expense of county contests prohibitive for all but the very wealthy. In 1807, when Wilberforce contested Yorkshire against Lord Milton and Mr. Lascelles, his expenses, after many of his supporters had paid their own, amounted to £28,600, while those of his opponents were reckoned to be £200,000.[9] Owing to the expense, few counties went to the poll: the numbers for the general elections of 1747, 1754 and 1761 were two, five and three respectively.[10] No contest took place in Yorkshire between 1760 and 1800,[11] and when Brougham contested Westmoreland in 1818, there had been no contest for fifty years.[12]

A second contemporary estimate is found in the petition of the Society of the Friends of the People, presented to parliament by Grey in 1793. It was stated in this document that 307 members—a majority of the House before the Irish union—were returned directly or by the influence of 154 persons. Of the members so returned, 150 owed their election to peers, eighty-one of them being returned directly by forty peers, while six peers were mentioned by name who controlled among them forty-five seats.[13]

John Wilson Croker supplies us with a third estimate. Writing to Canning at the time he was forming an administration in 1827, he reminded him "how impossible it is to do anything satisfactory towards a government in this country, without the help of the aristocracy," and appended a memorandum setting forth the influence in the House of Commons of Tory and Whig peers. Only those returning three or more members were mentioned by name, and those returning a single member were omitted entirely, yet he estimated that Tory peers controlled ninety-six seats and the Whigs fifty-four. Can-

[8] Cf. the statements in *Robinson Papers,* Introduction, p. x; and in L. B. Namier, *The Structure of Politics at the Accession of George III,* 2 v. (London 1929), I, 86–93.

[9] "William Wilberforce," *Dictionary of National Biography,* LXI, 214.

[10] Namier, *Structure of Politics,* I, 82–83.

[11] *Robinson Papers,* Introduction, p. xi.

[12] *The Creevey Papers,* A Selection from the Correspondence and Diaries of the late Thomas Creevey, M. P., Born 1768–Died 1838, edited by the Right Hon. Sir Herbert Maxwell, Bart. (New York, 1904), p. 234.

[13] *Parliamentary History,* XXX, 795. This petition was based upon the *Report on the State of Parliamentary Representation* issued by the Society earlier in the year. See George Macaulay Trevelyan, *Lord Grey of the Reform Bill* (London, 1920), p. 73.

ning seems to have been surprised at these figures for in a note to Croker of the same date, he wrote:

"Am I to understand, then, that you consider the King as completely in the hands of the Tory aristocracy as his father, or rather as George II was in the hands of the Whig? If so, George III reigned, and Mr. Pitt (both father and son) administered the government in vain."

To this Croker replied,

"All I meant to do was to show, in one view, how powerful the aristocracy is, and how necessary it is to have a fair proportion on the side of the Government. You will observe that I included Whigs as well as Tories, and I reckon Lord Seaford's and Lord Wharncliffe's interests, as well as those of the older peers, and I arrive at this conclusion, and a very important one it is, that the *old Tory* and the *Steady Whig* aristocracies have at least 150 members in the House of Commons, not by influence or connection, but by direct nomination, and that no Government which did not divide them could stand for any length of time." [14]

Obviously the influence of peers in the House of Commons operated both as a stimulus to reformers and a formidable obstacle to the success of their efforts. Indefensible in theory, the rotten borough system was defended in practice, not only because of the selfish interests of borough owners, but because it was regarded by the conservatives as giving due weight in the government to the aristocracy and thus preventing conflicts between the Houses. As Croker put it in the debate on the Reform Bill, the rotten borough system, by the influence it gave peers in the House of Commons created

"a certain elasticity, which has acted like springs, and has prevented violent collision with the Crown and the House of Lords; take away these springs and we must run the risk of jostling and destroying each other." [15]

To understand fully the degree of opposition which a reform of the House of Commons would encounter from the House of Lords, account must be taken of the membership of the latter. Curiously enough, the House of Lords, bulwark of conservatism as it is, has undergone more frequent and radical changes than the Lower House. On the eve of the Reform Bill, its membership comprised three elements—official, hereditary and elective. The first category, consisting

[14] *The Correspondence and Diaries of the late Right Honourable John Wilson Croker, LL.D., F.R.S., Secretary to the Admiralty from 1809 to 1830,* edited by Louis J. Jennings, 3 v. (London 1885), I, 367–372. Cited hereafter as *Croker Papers.*

[15] *Hansard,* third series, XI, 475.

in 1830 of twenty-six English and Welsh and four Irish bishops of the United Church of England and Ireland, owed its membership to its episcopal functions. Since appointments to the episcopal bench were made nominally by the Crown, actually by the prime minister, they usually partook of a political character. In 1830, when the Tories had been in power for over forty years, with only one short interval, the entire bench owed its appointment to Tory ministers, as the only vacancy occurring during the Grenville-Fox ministry was filled by a Tory through the influence of the Grenville faction.[16] In general, ministers made their episcopal appointments not only from their own party, but from their own class or even from their own families.[17] The inequality of episcopal stipends, varying from the £900 of the bishop of Llandaff to the £19,000 of the bishop of Durham and the archbishop of Canterbury, led to frequent translation from one see to another. The desire for translation was likely to act as an effective inducement to give loyal support to the government from whom such favors must come. Moreover it was a period of low ebb in the spiritual energies of the Church. Regarded by the aristocracy as a provision for younger sons and protégés or as a source of party patronage, its clergy largely recruited from men who received its orders as a means to a respectable livelihood rather than from any warmth of religious conviction or zeal for service, alienated from the masses by its wealth and its privileges, for which it seemed to make no fair return, it was small wonder that the bishops began to be anxious over the survival of the Establishment. Instead of fending off attack by the reform of abuses such as pluralism, nepotism and sinecures, or mitigating the jealousy of Dissenters by repealing discriminative legislation, they chose rather to protect their privileges by opposing any change in the existing order, and so became the staunchest allies of the Tory régime.

The second category, the hereditary peers, greatly outnumbered the other two elements in the House. Comprising approximately sixty at the death of Elizabeth, they numbered four hundred at the accession of William IV in 1830. The numbers had undergone a slow but steady increase from the accession of the Tudors to the year 1760, the new creations slightly overbalancing the old peerages that became extinct. But the House of Lords which opposed the Reform Bill was largely

[16] Élie Halévy, *History of the English People in 1815* (New York 1924), p. 344 note.

[17] *Ibid.*, pp. 344–345.

the creation of George III and the younger Pitt. From 1760 to 1821, there were 209 creations or promotions in the peerage, and of these 140 were for the seventeen years when Pitt was prime minister.[18] Wilberforce wrote to a friend in 1811 "that more than half of the present House of Lords has been created or gifted with their titles (excluding all hereditary descent) since I came into parliament [in 1780]." [19] Although there were numerous creations for military or legal services, most of the creations of this period were the rewards of borough-mongering or other forms of political support.[20] In the six months following the election of 1784 seventeen creations or promotions in the peerage were announced. Most of these men had influenced the election of one or more members to the House of Commons, and Sir James Lowther, who was made earl of Lonsdale, controlled on this occasion the return of nine members.[21]

The lavish creations after 1784 had the object and the effect of changing a Whig into a Tory majority in the Upper House. The party balance had been changed in similar fashion by the Tories in 1711, and by the Whigs in 1714–1718.[22] But on the earlier occasions the net increase in the number of peers was slight and the party majority small, while the creations of 1780–1830 made the House so overwhelmingly Tory in complexion as to make subsequent control by creation extremely difficult if not impossible.

"For the first time in its history it contained, in the nineteenth century, an overwhelming majority of members who had been born, and not created peers. During the middle ages the spiritual peers, who were not hereditary, always outnumbered their temporal colleagues. The bishops, new creations, and their friends among the old, enabled Elizabeth, the Stuarts, and even Pitt, to counterbalance hereditary independence; and the sons of Pitt's

[18] Edward and Annie G. Porritt, *The Unreformed House of Commons,* 3 v. (Cambridge, 1903), I, 327–328.

[19] Robert and Samuel Wilberforce, *Life of William Wilberforce* (London, 1838), III, 531.

[20] When Pitt first proposed, in 1782, to buy out the borough mongers at public expense, Horne Tooke had suggested to the duke of Richmond that the same end might be attained at a great saving to the taxpayers if borough mongers were bought out with peerages: those who already had peerages or who did not wish them being allowed to sell their claims to others. The duke was delighted with the suggestion and passed it on to Pitt, but without result. Alexander Stephens, Esq., *Memoirs of John Horne Tooke,* interspersed with original documents (London 1813), II, 374–377.

[21] William T. Laprade, "William Pitt and the Westminster Elections," *American Historical Review,* XVIII, 257.

[22] Turberville, *op. cit.,* pp. 115–118, and 161.

house of lords were the first generation of peers by primogeniture to be undisputed masters of their own house. It was not a mere coincidence that that generation brought the country to the verge of revolution in 1832." [23]

The representative element in the House of Lords came in with the Scottish and Irish unions. In 1707 the Act of Union with Scotland provided for the election by the Scottish peerage of sixteen of their number to represent them in the British parliament. They were to be chosen for a single parliament; peers not chosen as representatives were ineligible to the House of Commons; and no new creations in the peerage of Scotland were to be made by the Crown. There seems to have been some apprehension expressed when the treaty of union was under discussion at the introduction of the representative principle. Lords Haversham and Rochester considered it a dangerous innovation; while several bishops expressed alarm at the prospect of Presbyterian peers, who might prove a menace to the Church of England.[24]

According to the Irish Act of Union of 1801, the Irish peerage was to be represented at Westminister by twenty-eight peers, elected for life by their fellow peers. Irish peers not chosen as representatives were eligible to sit in the House of Commons for British, but not for Irish constituencies; and within certain limits, the Crown might make new creations in the Irish peerage.

In both cases, the choice of representative peers was strongly influenced—one might almost say dictated—by the government of the day. As there was no provision in either case for the representation of the minority, the Scottish and Irish representative peers formed in 1830 a solid Tory phalanx. Composed almost exclusively of large landed proprietors, they were opposed to any change detrimental to landlords, and, in the case of the Irish, were the determined opponents of any change which might jeopardize the Protestant ascendancy.

Thus the century before the Reform Bill saw the constitution of the House of Lords modified by the introduction of a representative element; and its numbers doubled by the creations of George III and Pitt. It has often been asserted that one motive for Pitt's creations was hostility to the political domination of the aristocracy which was regarded as an evil heritage of Whig rule; and that one effect was to

[23] A. F. Pollard, *The Evolution of Parliament* (London, 1920), pp. 303–304.
[24] Turberville, *op. cit.*, pp. 82–83, and Chapter V.

modify the exclusively landlord character of the House of Lords by the promotion of peers drawn from the new commercial and industrial classes.[25] The charge of hostility to the aristocracy is made in the following entry from Lady Holland's Journal for November 20, 1798:

"Sir Robert Walpole and the great Whigs did monopolise, from the Cabinet down to the turn-pike's keepers. But since Lord Chatham, and, more particularly, his son's Administration, the policy has been to annihilate all family unions; indeed there is not a man of the Corresponding Society more bitter against the aristocracy than Pitt and Canning are." [26]

In the oft-quoted passage from *Sybil,* Disraeli says that Pitt

"created a plebeian aristocracy and blended it with the patrician oligarchy. He made peers of second-rate squires and fat graziers. He caught them in the alleys of Lombard Street and clutched them from the counting-houses of Cornhill." [27]

A recent scrutiny of Pitt's peerages does not seem to bear out these charges. On the contrary, Pitt's creations seem to have done little or nothing to represent the new industrial classes, and to have increased the strength of the most Tory sort of country gentlemen.[28] The legislative record of the peers in the years before the Reform Bill seems to bear out this more recent view. Time after time, measures to remove abuses which had passed the House of Commons, were rejected by the House of Lords. A House which showed itself more reactionary than the unreformed House of Commons, a House which could defend the existing penal code, oppose reforms in the lunacy laws, and refuse protection to factory children and "climbing boys," was not likely to yield readily to a reform of the Lower House which would increase the chances of such obnoxious legislation. In fact, in the vote on the Reform Bill, it was the recently created peers who were almost unanimously opposed to it, while "of the 112 peers

[25] For instance, M. Halévy characterizes the Tory party under Pitt as "an alliance of the gentry and the industrialists against the great Whig families," and Mr. Pollard attributes Pitt's creations "partly to the Irish union, but more to Pitt's desire to enlist support among the *nouveaux riches* of the war and the industrial revolution." Halévy, *op. cit.,* p. 170; and Pollard, *op. cit.,* pp. 303–304.

[26] *Journal of Elizabeth, Lady Holland, 1791–1811.* Edited by the Earl of Ilchester (London, 1909), I, 205–6.

[27] Benjamin Disraeli, Earl of Beaconsfield, *Sybil or The Two Nations* (London, 1904), p. 26.

[28] Gerda C. Richards, "The Creations of Peers recommended by the Younger Pitt," *American Historical Review,* XXXIV, 47.

created before 1790 no less than 108 voted for the Reform Bill, and only four against it." [29] Is it not likely, that just as the bishops feared reform because of their consciousness of the Church's unpopularity, so the temporal lords opposed reform the more vehemently because of the fear that their own recent actions would make them an easy prey to popular assault, once the Lower House was emancipated from their control? As Croker wrote Peel in 1822,

"The day which reforms the House of Commons, dissolves the House of Lords, and overturns the Church." [30]

The demand for a reform of the House of Commons was the result of George III's attempt to free himself from parliamentary control through the use of the electoral machinery built up by the Whigs. Its immediate occasion was the exclusion of Wilkes from the House of Commons after his election for Middlesex. Its champions in parliament were Chatham and the Rockingham Whigs, the former advocating an increase in the county representation, and the latter stressing the exclusion of placemen from parliament and the limitation of pension and secret service funds. Outside of parliament Wilkes had become the unworthy champion of popular rights and the rallying point for reform agitation by the freeholders of the counties. In 1769 the Society of the Supporters of the Bill of Rights was organized to assist Wilkes and further the cause of a radical reform of parliament. Its more moderate members later seceded and formed the Constitutional Society. No immediate results followed from the meetings and petitions of these societies; but when a ministry of "king's friends" had lost the American colonies, alarm at the results of the king's personal rule became more general and the middle classes of town and country renewed their agitation for reform. Christopher Wyvill and Major Cartwright had become the leaders of the movement, and they found support in parliament from many of the Whigs and from Pitt before he came into office. Continued agitation and frequent petitions from the reformers led to the production of Pitt's reform bill of 1785. It was too restricted in character to satisfy the reformers, many of whom objected to the proposal to compensate borough owners, and leave to introduce the bill was refused by a large majority. In the subsequent years of his long ministry,

[29] C. B. R. Kent, *The English Radicals* (London, 1899), p. 95.
[30] *Croker Papers*, II, 54.

Pitt not only brought in no reform bill of his own, but opposed all measures introduced by others.

Perhaps the Whigs, once back in office, would have acted in the same way. It may only have been their long exclusion which made them the determined advocates of reform. Be that as it may, during those years, various factors contributed to secure for them strong allies in the cause of reform. The failure of the Dissenters to secure the repeal of the Test and Corporation Acts in 1787 and 1789 led them to agitate for reform as the only way to rid themselves of religious disabilities. Their practical views were generally as conservative as those of the Whigs, but they served the cause of more radical reform by acquainting the middle classes with the ideas of Montesquieu and Rousseau.[31] Though their agitation died out temporarily after the Birmingham riots of 1791, they were ready to support reform whenever it gave promise of success.[32]

The French Revolution in its early stages served as a great stimulus to the reform movement in England. Old societies were revived and new ones were formed to further the cause of reform. The Revolution Society, originally founded to commemorate the "Glorious Revolution of 1688," called down the wrath of Burke by its praise of French efforts on behalf of liberty; the Constitutional Society of 1769 was revived by Horne Tooke; while a group of the younger Foxite Whigs formed the Society of the Friends of the People. It was the last of these groups which presented the petition to parliament in 1793 in which it was asserted that a majority of the House of Commons was returned by the nomination of 154 patrons. The London Corresponding Society, organized by the Scotch shoemaker, Thomas Hardy, was typical of a large number of workingmen's societies which sprang up in London, the new industrial towns, and in Scotland in the years 1791 and 1792. Hardy's society had dues of a penny a week the income from which was spent in correspondence with other reform societies and in the publication of literature, and it advocated universal suffrage and annual parliaments. The publication of Paine's *Rights of Man* coincided with the formation of these societies, and his doctrines were eagerly read, especially by the workingmen. The agitation of these societies, though strictly constitutional, was forcibly suppressed by Pitt when the war with France and the

[31] H. W. Carless Davis, *The Age of Grey and Peel, Being the Ford Lectures for 1926* (Oxford, 1929), p. 49 f.

[32] Trevelyan, *op. cit.*, p. 31.

excesses of the Jacobins had created such a panic in the minds of the propertied classes that they confused reform with revolution.

Temporarily strangled by the repressive measures of 1793–1795, the agitation for reform began slowly to revive during the later years of the war. The *Edinburgh Review,* first issued in 1802, was a valuable exponent of Whig views on reform. Within the House of Commons the question was revived by Sir Francis Burdett's motion for reform in 1809, and by Grey's much more moderate motion in 1810. In the country, Wyvill and Major Cartwright emerged from their retirement to address "Union" and "Hampden" clubs which had been organized in London and in many provincial towns to spread reform propaganda. The close of the war, followed as it was by unemployment, high prices and scarcity of food occasioned by the hated Corn Laws of 1815, led to two years of noisy and sometimes riotous agitation by the working classes of town and country. Only partly political in its aim, their agitation was accompanied by rick burning and the smashing of knitting frames. It died down after the "massacre" of Peterloo in 1819, partly as the result of reviving trade and better harvests, and partly as the result of the "Five Acts." While there was a lull in the popular agitation, the interest of the working class in parliamentary reform was kept alive by Cobbett's *Parliamentary Register,* reduced to twopence a copy in 1815. Meantime, Jeremy Bentham and his disciples had taken up the cause of reform. In 1809 Bentham drew up his *Cathechism on Parliamentary Reform,* though it was not published until 1817. In the same year he published his *Plan of Parliamentary Reform,* and the following year drafted the reform resolutions moved in the House of Commons by Burdett. In 1819 he issued his *Radical Reform Bill,* and in 1823 the *Westminster Review* was founded to disseminate his views.

That the efforts of these various groups were making some impression on the country is shown by Croker's statement to Peel after Tory success in the election of 1820. He wrote that public opinion was obviously more liberal than the policy of the government, and questioned whether the government would carry Whig measures of reform, give way to the Whigs to let them do it, or coalesce with the Whigs to resist the proposals of the Radicals. He inclined to the last as the most probable, but doubted whether parliamentary reform could be successfully opposed for another seven years.[33] Two years later Croker asserted in a letter to Peel that the country was almost unani-

[33] *Croker Papers,* I, 170.

mous in favor of parliamentary reform. He cited the accession of Whig borough-owners like Lord Fitzwilliam and Lord Darlington as greatly strengthening the reformers. Yet in spite of these admissions he seemed to think that any concession to the reformers on the part of the government would be fatal and "lay the whole country under the wave of reform." [34]

With even the Tories taking such a view of the feeling of the country, their continuance in office even after the election of 1827 would be difficult to account for were it not for the mutual distrust and recrimination among the various groups of reformers. Whigs feared and hated the Radicals scarcely less than the Tories did, and the hatred was fully returned by the other side. Roebuck merely voiced the view current among the Benthamites when he said of the Whigs that they had

> "ever been an exclusive and aristocratic faction, though at times employing democratic principles and phrases as weapons of offence against their opponents. . . . When out of office, they are demagogues; in power they become exclusive oligarchs. In the one case and the other they pursue without scruple what they believe to be their party interest." [35]

Joseph Parkes of Birmingham, representing another group of Radicals, described the Whigs as "an unnatural party standing between the People and the Tory aristocracy chiefly for the pecuniary value of office and vanity of power." [36] Cobbett and Hunt were as much distrusted by Bentham and Place as the two latter were by the Whigs. Thus the lack of harmony among the various groups of reformers continued to check the success of their efforts until the election of 1830, caused by the death of George IV, induced them momentarily to forget their differences in a combined effort to overthrow the Tories.

The latter were already weakened by internal dissension over the question of Catholic emancipation; while the revolution in France lent new zest to the English reformers, whose hands had been strengthened by the accession of the middle-class manufacturers. Hitherto the manufacturers had stood aloof from the reform agitation, but the events of the post-war years and the propaganda of the re-

[34] *Croker Papers*, II, 52–54.

[35] John Arthur Roebuck, *History of the Whig Ministry of 1830*, 2 v. (London, 1852), II, 405–406.

[36] Jessie K. Buckley, *Joseph Parkes of Birmingham* (London, 1926), pp. 127–128.

formers had made many converts among them. In January 1830, Thomas Attwood formed the Birmingham Political Union "to obtain by every just and legal means such a reform in the Commons' House of Parliament as may ensure a real and effectual representation of the lower and middle classes of the people in that House." [37] The example of Birmingham was copied widely in other industrial centers, and these political unions, by their effective organization, played a most important part in the final struggle for reform. Francis Place was in close touch with the unions and thus served as a link between them and the Benthamite Radicals. The Whigs, assisted by Tory dissensions and Radical organization, returned a majority to parliament which promptly turned out Wellington's ministry. When the King summoned Earl Grey to form a ministry, reform of parliament became the order of the day.

The Whigs were not without misgivings as to their popular allies, many of whom demanded much more drastic reform than they were prepared to grant. For the Whigs were no less aristocratic than the Tories, and while they liked to regard themselves as the champions of popular rights, they were hardly less fearful than the Tories of the dangers of democracy. Their problem was to satisfy the popular clamor by giving representation to the new industrial towns and by wiping out the most flagrant examples of rotten boroughs, without destroying the old system under which the aristocracy was assured of a prevailing voice in the government. The measure which they brought in was admirably adapted to this purpose. While it appealed to the unenfranchised as an excellent first instalment, it impressed the Whigs as being so radical in character that they were able to persuade themselves—though they failed to persuade their opponents—that it ensured a permanent settlement of the representation. To the modern liberal it appears so moderate that the fears of its opponents and the hopes of its supporters seem equally extravagant. It struck terror in the hearts of the Tories and raised the hopes of the Radicals, not so much because of its actual provisions as because of the future changes which it seemed to make possible.

The first Reform Bill was introduced in the House of Commons on March 1, 1831, and the extensive disfranchisement it proposed moved its opponents to unseemly and injudicious mirth. Much to their surprise, it passed the second reading by a majority of one. Realizing that this was too narrow a margin to assure success on its later stages,

[37] Trevelyan, *op. cit.*, p. 216.

the ministry advised a dissolution. In the election which ensued, the reformers made substantial gains, especially in the counties.[38] A second bill, modified in details, but similar in its effects to the first, was introduced in the new parliament on June 24, 1831. The second reading was carried by a majority of 136, and after forty nights in committee, it emerged intact in all essentials, and received the sanction of the House of Commons by a majority of 109. Sent to the Lords the following day, it was rejected on second reading on October eighth by a majority of forty-one, of whom twenty-one were bishops.[39] On the same day the ministry carried a vote of confidence in the House of Commons by a majority of 131, and parliament was prorogued. The weeks that followed before the reassembling of parliament on December sixth were marked by popular attacks on the peers and their property. The temper of the people was made more dangerous by unemployment, agricultural depression and an epidemic of cholera—the first of its kind in England—which took a toll of 50,000 victims.[40]

Parliament met December 6, 1831, and the third version of the Reform Bill was presented six days later. It passed the second reading by a majority of two to one and was carried on March 23, 1832, without division. In January, before the bill had left the House of Commons, Grey had secured from the King a promise in writing to call up as many new peers as might be needed to carry the bill through the Lords. He set no limit to the numbers, but stipulated that eldest sons and collateral heirs and, if necessary, Scottish and Irish peers should

[38] The Whig success in the elections of 1830–1831 is partly accounted for by their astute management. Most of the Whig borough owners exacted from their nominees a pledge to support reform. When Scarlett, Earl Fitzwilliam's nominee for Malton, voted against the Reform Bill, he was turned out by his patron and replaced by Francis Jeffrey of the *Edinburgh Review*. The earl of Radnor "made it an express condition with his members for the burgage borough of Downton that they should vote for its disfranchisement." Whigs who preferred to sell their seats, sold them at a low figure to the party whips, who resold them at the current market price to candidates pledging themselves to reform. The money thus realized, swelled by large contributions from leading Whigs, was used in buying nomination boroughs previously represented by Tories, and in paying the expenses of contested elections.

Porritt says:

"Had it not been for this borough mongering by the treasury, and for the pledges which Whig borough owners such as Earl Radnor and Earl Fitzwilliam exacted from the nominees they returned, the Reform Act could not have been carried in 1832." Porritt, I, 322 and 345–46.

[39] *Hansard*, third series, VIII, 340.

[40] Trevelyan, *op. cit.*, pp. 316 and 322.

be called first to reduce the number of new peerages required to the smallest possible figure.[41] This promise, while rumored, was of course not made public. When the bill reached the Upper House, the peers passed the second reading and then destroyed it in committee by accepting, by a majority of thirty-five, Lyndhurst's amendment to postpone the disfranchising clauses. This was considered by all friends of reform as equivalent to rejection, and when the Lords' action was known, popular agitation reached a dangerous pitch. The cabinet then advised the creation of peers, promised in January, and on the King's refusal to make "so large an addition to the peerage" resigned office.[42] The King sent for Wellington, and during the five days during which he tried to form a government the country was saved from revolution only by the restraint imposed by the political unions.[43]

The determined hostility of the country and the House of Commons made it impossible for Wellington to form a ministry, even on condition of passing a reform bill. When the King sent for Grey on May fifteenth, he consented to resume office only on the King's renewed promise to create as many peers as might be necessary. To avoid that necessity, the King used his influence with leading Tories to secure their abstention from further opposition to the bill. Letters were sent by the King or his secretary to Wellington, Lyndhurst, the royal dukes and others pointing out that they had "the alternative of the Reform Bill with an addition to the peerage, or the Reform Bill without it." [44] Thanks to this pressure, Wellington and a hundred others absented themselves or walked out of the House without voting on the third reading, and the bill was thus allowed to pass on June 3, 1832.

To the Tories, one of the most alarming features of the Reform Act was the manner in which it was carried. They protested vehemently against the action of the ministry in recommending the creation of peers to overcome the opposition of the Lords. Unfortunately for them, the Whigs were able to point to Tory precedent, for in

[41] *Ibid.*, p. 332.

[42] *The Taylor Papers*, being a record of certain reminiscences, letters and journals in the life of Lieut. Gen. Sir Herbert Taylor, arranged by Ernest Taylor (London, 1913), pp. 342–43. Sir Herbert Taylor was secretary to King William IV.

[43] For the temper of the country during these days, see Trevelyan, *op. cit.*, pp. 344–348; Graham Wallas, *Life of Francis Place, 1771–1854* (London, 1898), pp. 295–311; and C. M. Wakefield, *Life of Thomas Attwood* (London, 1885).

[44] *Taylor Papers*, pp. 351–8.

1711 Queen Anne, on the advice of the earl of Oxford, had created twelve Tory peers within a few days to secure the ratification of the Treaty of Utrecht.[45] This precedent was challenged by the Tories on the ground that Oxford's advice to the Queen to create peers in 1711 had formed one of the articles in his impeachment in 1717. But they forgot to mention that the House of Commons had dropped the prosecution against Oxford, and that he had been unanimously acquitted by the House of Lords.[46] Nor did they refer to the defeat of the Peerage Bill in 1719 through the determined opposition of Walpole, who argued that the object was to make the House of Lords independent of Crown and Commons, and so upset the balance of the constitution.[47] Two other Tory precedents might have been mentioned. The seventeen peerages bestowed in 1784 to secure the defeat of Fox and his India Bill were rewards for doing the King's bidding, and had the effect of changing the party majority in the Upper House. Moreover, the peerages created in connection with the Irish Union had this in common with the creations of 1711—and the threatened creations of 1832—that they were bestowed in order to secure the passage of a particular measure.[48]

To the attacks of the Tories, challenging the constitutionality of his action, Lord Grey replied as follows:—

"We were under the necessity of offering the advice to create as many new Peers as would carry the measure of Reform through this House unmutilated in any of its essential provisions, or resign our offices. Now I say that, under these circumstances, the advice to create new Peers was required. The noble and learned Lord says, that it was not constitutional; but I say that it was constitutional, and I can refer him to books of authority on that subject, in which it is distinctly asserted, that one of the uses of vesting the prerogative of creating new Peers in the Crown is, to prevent the possibility of the recurrence of those evils which must otherwise result from a permanent collision between the two Houses of Parliament; and this danger was rendered imminent by the opposition made to the Reform Bill by the noble Lords on the other side of the House.

[45] *Lords Journals,* XIX, 353; *Parliamentary History,* VI, 1060–1062; and Turberville, *op cit.,* pp. 115–118 and 502–503.

[46] Turberville, *op. cit.,* pp. 162–163.

[47] *Ibid.,* Chapter VI. Mr. Turberville characterizes the Peerage Bill as a party "job," ostensibly designed to prevent a repetition of such creations for party purposes as that of 1711; but really intended to intrench the Whigs in their favored position against the overthrow they feared on the accession of the then Prince of Wales.

[48] W. E. H. Lecky, *History of England in the XVIIIth Century,* 8 v. (New York, 1878–90), VIII, 396 f.

And, I ask, what would be the consequences if we were to suppose that such a prerogative did not exist, or could not be constitutionally exercised? The Commons have a control over the power of the Crown by the privilege, in extreme cases, of refusing the supplies; and the Crown has, by means of its power to dissolve the House of Commons, a control upon any violent and rash proceedings on the part of the Commons; but if a majority of this House is to have the power, whenever they please, of opposing the declared and decided wishes both of the Crown and the people, without any means of modifying that power, then this country is placed entirely under the influence of an uncontrollable oligarchy. I say that if a majority of this House should have the power of acting adversely to the Crown and the Commons, and was determined to exercise that power without being liable to check or control, the Constitution is completely altered, and the government of this country is not a limited monarchy; it is no longer, my Lords, the Crown, the Lords, and Commons, but a House of Lords—a separate oligarchy—governing absolutely the others." [49]

It seemed desirable to quote Lord Grey's statement at length because the views there expressed embodied the theory of the constitution accepted by the Whigs, Liberals and Radicals. The Tories never wholly accepted it; but the knowledge that the Whigs did and would act accordingly if similar circumstances presented themselves again, forms an important element in the subsequent relations between the Houses.

Perhaps even more alarming to the Lords was the demonstration of their impotence in the face of a well-organized popular demand. This had already been shown in the Irish agitation for Catholic emancipation, but the success of the political unions in organizing the popular demand for reform brought the lesson nearer home. Without such popular support the Whig ministry could hardly have asked for the creation of peers, and the King would certainly not have consented. Peel spoke prophetically when at the opening of the first reformed parliament he warned the House of Commons that the passage of the Reform Act by popular pressure

"would form a fatal precedent, one to which his Majesty's Government might again and again recur for the purpose of procuring assent to other measures, which, in obedience to popular clamour, they might bring forward. Whenever the Government came to deal with the Corn Laws, or other questions calculated to excite the feelings, and inflame the passions of the people, the precedent furnished by the present occasion would be appealed to, and if they should be placed in similar circumstances of difficulty and excitement, the necessity of restoring tranquillity would be

[49] *Hansard,* third series, XII, 1005–6.

made a plea for menacing, and if necessary, for destroying the independence of the House of Lords." [50]

The Radicals were no more blind than Peel to the value of the Reform Act as a precedent. Francis Place, who considered the passage of the bill to be the result of a united national demand by the people, declared:

"This was indeed the first time they ever combined of their own free will for a really national purpose, and this it is which marks the era as of more importance than any former proceeding—which makes it prospective of still greater importance as the first of an inevitable series, which from time to time will increase the power of the people and lessen that of the Government." [51]

Tory apprehensions about the consequences of the Reform Act correspond so closely to the hopes of further reform expressed by the Radicals that one suspects that the latter may have inspired the former. Thus Place's opinion that

"*The Reform Bills are in themselves of little value,* but as a commencement of the breaking up of the old rotten system they are invaluable," [52]

finds its echo in Lord Mansfield's skepticism as to the finality of the measure:

"As long as there is any individual, not a minor, not fatuous, who has not a vote, so long will there be some one who will assert and many who will believe, that the people are deprived of their just and natural rights.

"As long as towns increasing in population do not return an increased number of Members, so long will they consider that they are not adequately represented." [53]

Tory fears for the permanence of the Established Church, and for the "landed interest" found a ready justification in the avowed expectations of the Radicals. But of more importance for this inquiry is the expression of opinion in regard to the relations between the House of Lords and a reformed House of Commons. The Radicals gloried in the emancipation of the House of Commons from the degrading shackles of the Lords, and confidently predicted that if the House of Lords ventured to oppose a popularly elected House of Commons, they must eventually be reformed or abolished. Among the Tories many were convinced that the monarchy and the House of

[50] *Hansard,* third series, XIII, 426.
[51] Wallas, *op. cit.,* p. 322.
[52] *Ibid.,* pp. 322–323. Italics are Place's.
[53] *Hansard,* third series, VII, 1008.

Lords were doomed. Even those who did not, like Sir Robert Inglis, expect Reform "to sweep clean the House of Peers in ten years," [54] nevertheless foresaw an inevitable change in the relations between the Houses. As Croker put it, in the passage already cited, the rotten borough system, by the influence it gave peers in the House of Commons created "a certain elasticity, which has acted like springs, and has prevented violent collision with the Crown and the House of Lords; take away these springs, and we must run the risk of jostling and destroying each other." [55] The earl of Dudley put the same thing in another way in the course of the debate on the Reform Bill, when he said:

"He knew it was the theory of our Constitution that the two Houses of Parliament—the one possessing its privileges by inheritance, and the other elected by the people—were supposed to be equal in legislative power. That was the theory, but in practice, even with respect to the present House of Commons, it was not true. If that branch of the Legislature were engaged in a struggle with the two others it would prove too hard for both together. It was only by the abuses of the Constitution, as they were called, that the due balance was maintained, and the evils which would arise from the superiority of the popular branch of the Legislature prevented, or at least mitigated. It was only because the Crown and the House of Lords had an influence in that of the Commons, which was wholly unacknowledged by the theory of the Constitution, that the Constitution had been maintained." [56]

[54] *Ibid.*, II, 1124.
[55] *Ibid.*, XI, 475.
[56] *Ibid.*, VII, 1341–1342.

CHAPTER II

Friction and Faction, 1832–1846

"Is the unreformed House of Lords to continue in full vigour to counteract the will of the reformed House of Commons?"

Canning, in speech at Liverpool, August 30, 1822.[1]

The close personal relations existing between the Houses when sons and brothers of peers furnished a large proportion of the members of the Commons, and when many peers served an apprenticeship in the Lower House before entering the Lords, had played a large part in maintaining harmonious relations between the Houses. There is small wonder that lovers of the old system dreaded what might happen when this element of harmony was weakened by the Reform Act. But the greater wonder is that their fears should have been so little justified by the events of the next thirty-five years. The Monarchy, the House of Lords, and the Established Church in England and Ireland survived in spite of Radical assaults, although the Church had to submit to a modicum of reform. Primogeniture and family settlements continued to protect the monopoly of land in the hands of a small class; and that class, though forced to give up its tariff protection and to submit to direct taxation, continued to be more strongly represented than any other in both Houses of parliament. In spite of much friction and some bitter attacks in the Commons and in the country, the Lords escaped any remodeling of their House, or any formal curtailment of their powers and privileges. In popular esteem they probably stood higher in 1867 than in 1832. The reasons why the first Reform Act resulted in no drastic changes in the relations between the Houses appear to be: first, the very restricted character of the measure; second, the conservatism of the Whigs; third, the divisions in the ranks of the Radicals; fourth, the partisan use made by the Tories of their constant majority in the House of Lords; and finally, the survival of many features of the old system so long as those brought up under it remained in office.

[1] Quoted in *Hansard*, third series, II, 1124–1125 note.

So much space is devoted in historical accounts of the period to the Reform Act of 1832 that one is apt to get a quite exaggerated opinion of the changes it effected. This is particularly true of an American, to whom manhood suffrage often appears as part of the order of nature. Actually, the changes effected were slight. While fifty-six boroughs lost both members and thirty more lost one member each, there still remained many boroughs in which the influence of some local family was supreme. The number of men, both Whig and Tory, who found their way into parliament through such family boroughs in the years after the first Reform Act furnishes ample proof of this. As to the electorate, the accepted estimate that the act added 217,386 voters, constituting an increase of forty-nine per cent., indicates how restricted it was both before and after 1832.[2]

The working classes, whose agitation had done so much to carry the act, were left largely without votes. The uniform £10 borough franchise benefited only the relatively well-to-do middle classes, and in some cases, as in Preston and Westminster, actually disfranchised some of those who had voted under the old system. It was far less democratic than the proposal of a scot and lot franchise which Fox had advocated in the debate on Grey's motion for reform in 1797.[3] The addition to the county electorate of lease-holders and tenants-at-will actually increased the influence of the great landowners.[4] The seats secured by the disfranchisement of the rotten boroughs were used to give representation to the larger industrial towns, but not in proportion to their population; and the rural constituencies continued to return a disproportionate number of representatives. Moreover the property qualifications, the non-payment of members, and the unrestricted election expenses all favored the continued monopoly of the wealthy; while the absence of the ballot, or of any effective restraint on bribery continued the practice of intimidation and corruption. The fact that the number of Irish peers and sons and brothers of peers fell from 129 in 1831 to 118 in 1833 did not indicate any dangerous falling off in the influence of the aristocracy.[5] The first Reform Act, in other words, weakened but did not destroy the old system.

[2] Charles Seymour, *Electoral Reform in England and Wales* (New Haven, 1915), p. 533.

[3] *Parliamentary History,* XXXIII, 725–726, May 26, 1797.

[4] Seymour, *op. cit.,* pp. 18–20.

[5] See *Hansard,* third series, I and XV, for lists of members returned to the last unreformed and the first reformed parliaments.

Had the Whigs been so minded, with the help of the Radicals and the popularity which their championship of reform ensured them, they might have carried through in short order supplementary reforms which would have hastened the coming of democracy and perhaps also the day of reckoning with the Lords. But the Whigs were essentially conservative. The desire to overthrow the protracted Tory régime, if not the sole motive, or the dominant motive with individuals, nevertheless had been with the party as a whole the main reason for their support of reform. Having secured that result, many of them desired only to enjoy the fruits of office, and were impatient of demands for further reforms. A government which was headed by one earl and led in the House of Commons by the heir of another, and in which all but five of the twenty-six members of the ministry, and all sixteen members of the cabinet enjoyed titles legally or by courtesy was not likely to be sympathetic with the demands of Hume, Duncombe or O'Connell, or to relish measures which could only be carried after violent conflict with the Lords.

The noteworthy series of reforms carried by the first session of the reformed parliament showed what could be accomplished with popular support even in the face of a Tory majority of nearly a hundred in the House of Lords. Their recent humiliating surrender and the multitude of radical threats had so intimidated the Lords that they were disposed to be wary of renewed conflict with the Commons. As Lord Aberdeen wrote to Peel in January, 1833:

> "In the House of Lords, it is true we possess numbers, but we stand self-degraded, and scarcely dare attempt to exercise authority, after the public confession of our own impotence." [6]

Their acquiescence in the abolition of slavery, the renewal of the charters of the East India Company and the Bank, Scottish burgh reform, and above all, the reform of the Irish Church, gave evidence that the Lords preferred temporary abdication to the risk of fresh humiliation. Yet many peers submitted reluctantly to such a negative rôle, and Wellington's task in imposing on them the restraint he considered necessary in the public interest was far from easy. A letter to Peel in July, 1833, referring particularly to the Irish Church Bill, describes his difficulties:

[6] *Sir Robert Peel, from his Private Papers,* edited by Charles Stuart Parker, 3 v. (London, 1899), II, 211. Subsequently cited as *Peel Papers.*

"It is very difficult to restrain them, and they are very much displeased. But it is better to displease them than to increase and aggravate the confusion of the time.

"I quite concur in your opinion of the state of the House of Commons, of the consequences of breaking down the government by a vote of the House of Lords, and of the prospects from a new election.

"But it is not easy to make men feel that they are of no consequence in the country, who had heretofore had so much weight, and still preserve their properties, and their stations in society, and their seats in the House of Lords.

"The true sense of the position will be inspired at last, when they will become more manageable." [7]

Peel commented on the conduct of the Lords in a letter to Croker at the close of the session:

"The business was got through, but only because that which we prophesied took place; namely, that the popular assembly exercised tacitly supreme power; that the House of Lords, to avoid the consequences of collision, declined acting upon that which was notoriously the deliberate judgment and conviction of a majority.

"I allude particularly to the Irish Church Bill. With respect to that Bill, it is quite clear that the course taken was taken in spite of the opinions of two out of three branches of the Legislature." [8]

So long as the Whig ministry enjoyed enthusiastic support in the country, just so long did the Lords think it wise to withhold their opposition to Whig measures. But no sooner did Whig popularity wane through their opposition to the ballot, triennial parliaments, the abolition of flogging, and their failure to effect financial reform, than the Lords' courage began to revive. Mr. Wood's bill for the admission of Dissenters to the universities and to all degrees except divinity, which passed the House of Commons with the support of the government, was opposed by Wellington as a mortal blow at the union of Church and state, and was rejected on second reading.[9] Bills to disfranchise the freemen of Warwick, Hertford, Stafford, Liverpool, and Carrickfergus for bribery were all rejected by the Lords; and Lord John Russell's bill for the prevention of bribery at elections was withdrawn because of the Lords' amendments.[10] In the same year the enactment of an Irish Coercion Bill

[7] *Peel Papers,* II, 218.
[8] *Ibid.,* II, 224.
[9] *Annual Register,* 1834, History of Europe, p. 197.
[10] *Ibid.,* pp. 312–314.

and the rejection of the Irish Tithes Bill by the Lords led O'Connell to agitate for the repeal of the Union.[11]

By the close of the session of 1834, Francis Place had become convinced that neither Whigs nor Tories would take any further step toward democracy until forced to do so by external pressure. The reason why the necessary external pressure was not forthcoming is admirably put in a letter of Joseph Parkes to Place in January, 1833. Place had written urging the Birmingham Political Union to carry on agitation for the ballot and triennial parliaments, and Parkes replied as follows:

"Our glass here is almost run out, till some circumstances turn it again. The fact is that we have all made such heavy personal and pecuniary sacrifices that we fear that so recently after the elections, we should not get up a sufficient public meeting for Birmingham on the Ballot and Septennial Act. We have the will, but the elections have taken our last wind; and indeed, a meeting costs us a great deal of money. . . . Who the devil is to go on with this public work and his private duty? I can't; I am determined to lie fallow as much as I consistently can; it is impossible to keep up the devotion we have had here for two years. I had rather go to the Swann River or even Botany Bay, than go through the sacrifices and labour of the last eighteen months. I have read no books; I have not slept enough; I have collected no money. I have neglected my business. Numerous others have done the same. Actually eight leading middlemen of the Union have 'broke.' And as I do not choose so to injure my utility and comfort, I don't mean, Mr. Place, to give so much time to the political plough; I will do my duty nevertheless. We have buried the Tories, and if the Whigs will not do right, the sexton must be called out again. Good-night, old firebrand." [12]

In December, 1834, the King dismissed Melbourne and summoned Peel, who advised a dissolution. In the election which followed the Tories gained about a hundred seats, mainly at the expense of the Whigs, which gave them a majority against the Whigs alone, but not against an alliance of Whigs, Radicals and Irish. Peel was defeated by such a coalition in April, 1835, when Melbourne was recalled. He made it a condition of acceptance that the King should create seven or eight peers as a sign of his confidence, but with a small and disorganized majority in the Lower House and a hostile majority of a hundred in the Upper House, this availed little.[13]

[11] *Ibid.*, p. 133 f.
[12] Wallas, *op. cit.*, p. 327.
[13] *Lord Melbourne's Papers,* edited by Lloyd C. Sanders (London, 1889), pp. 272–275.

The duke of Bedford, writing to his son, Lord John Russell, to protest against his assuming the leadership of the House of Commons in Melbourne's government, characterized the majority there as "a noisy and turbulent pack of hounds—all descriptions of parties and shades of parties—Whigs, Moderates, Ultra-Whigs, Radicals, Ultra-Radicals, *etc., etc., etc.*" [14]

It was the differences of opinion among the several groups of Liberals and Radicals in the House of Commons which prevented their bringing effective pressure to bear upon the Whig government even between 1834 and 1841 when they held the balance of power. The temporary union of the various factions in the effort to carry the Reform Bill soon gave way to renewed friction between the Benthamites and the other Radical groups. The Benthamites furnished the ablest of the Radical members at this time, their numbers including Grote, Molesworth, Roebuck, Charles Buller, *etc.*, but their energies were scattered in pursuit of individual crotchets, and there was no acknowledged leader and no unified program to make their efforts effective.

Denouncing the Whig alliance with O'Connell, after his agitation for repeal of the Union, as little short of treason, the Tories made it the occasion through their majority in the Lords for obstructing all Whig legislation in a fashion which soon led to renewed attacks on the Upper House. The Lords' amendments to the English Corporation Reform Bill, mainly the work of Lord Lyndhurst, called forth angry attacks from the Radicals in the House of Commons. Joseph Hume said in part:

"If every measure of reform were to be treated in this manner and thrown out by the House of Lords, he begged to ask the right Hon. Baronet what opinion the House of Lords could expect the people to entertain towards them? If such a course were persevered in, it would not be long before the people would demand a reform of the other House of Parliament. Were the House of Commons to reform themselves and was the other House of Parliament to remain entirely unreformed? . . . He entered his solemn protest against the course pursued by such a body of persons as the House of Peers; a body not responsible to anyone, utterly regardless of the public feeling, and an anomaly in the Government. If their powers were great they ought at least to exercise them justly." [15]

[14] Sir Spencer Walpole, *The Life of Lord John Russell,* 2 v., second edition (London, 1889), I, 214.

[15] *Hansard,* third series, XXX, 1157-1158.

George Grote declared that the House of Lords claimed independence and acted upon it, and it behooved the House of Commons to imitate them at least in that respect, and to make no concessions merely to conciliate the other House.[16] Roebuck declared the real issue to be "whether the wishes of the people or of the Lords are to govern in this country"; and urged that unless the House of Commons wished to go through the same procedure every year, having all its measures rejected or emasculated, it must attack the cause of the evil, namely the House of Lords, for "the existence of the House of Lords in its present shape is incompatible with the welfare of England." [17] Resentment against the Lords was not confined to the House of Commons. The *Morning Chronicle* contained fiery attacks on the Tories and renewed threats against the House of Lords.[18] In Birmingham the Council of the Political Union drew up a petition to the House of Commons and an address to the King which were adopted at a popular meeting on January 18, 1836. The petition, presented in the House of Commons by Thomas Attwood, urged the passage of the Corporation Reform Bill in its original form; reform of the House of Lords including the abolition of proxies and the exclusion of bishops; and the correction of abuses in the Irish Church.[19] A little later in the session Hume presented a petition from a political union in Glasgow urging such a reform of the House of Lords as would make it responsible.[20] According to Sir Spencer Walpole,

> "The anger which the conduct of the Lords created in the country arrested the tide of conservative reaction which had previously been in progress. Even moderate men like the present Lord Grey talked of 'the Lords being swept away like chaff.'" [21]

When the Lords' amendments came before the House of Commons, Lord John Russell, sure of popular support, accepted a few of them, but rejected the majority. Even Peel refused to support most of them, and this, combined with Wellington's appeal for caution, finally

[16] *Ibid.*, p. 1159.
[17] *Ibid.*, pp. 1164–1165.
[18] Jessie K. Buckley, *Joseph Parkes of Birmingham* (London, 1926), pp. 123–125.
[19] *Hansard*, third series, XXXI, 439–440; and Wakefield, *op. cit.* (London, 1885), pp. 293–294.
[20] *Hansard*, third series, XXXV, 904.
[21] *Life of Lord John Russell*, I, 244.

induced the Lords to give way.[22] Place, who had been preparing to organize a popular campaign against the Lords, was disappointed at the government's acceptance of a compromise. He wrote to Parkes, September, 1835:

"The question was Ought the Ministers to have put up with the kicking the Lords bestowed upon them? I say no; the time was as critical as propitious for them, and they ought to have turned upon their assailants. The Lords will not be reformed, not they, but it is good to make everyone see that they must be either reformed or abolished, that, whenever the time comes the abolition, cost what it may, may be perfect." [23]

It was the Lords' action on the English Corporation Bill coupled with their second rejection of the Irish Tithe Bill that led O'Connell to make a tour of Scotland at the close of the session of 1835, addressing monster meetings demanding the abolition of the House of Lords. The appreciation of the serious situation created by the Lords was not confined to Radicals like Place and O'Connell. Mr. Speaker Abercromby, returning home at the close of the session, wrote to Melbourne on October 9, 1835, as follows:

"Everywhere I find that the House of Lords is a general topic of discussion. Their present safety consists in the absence of any practicable plan capable of being carried out without a violent struggle. In the event they will fall or undergo a great change [*sic*], but the fear of violence may protract their existence if they will submit to act in accordance with the opinion of the House of Commons. . . . it does appear hopeless that any body of men should recover from the state of contempt into which they have fallen. They may try to save themselves by abolishing proxies. They will do no good; for in any case the Tory Lords would be the majority, and if they act as they have acted they would still oppose the House of Commons and the people. The change would therefore only have the effect of fixing the opinion that they were incurable without a great change. There is nothing left for them but to submit, and wait events. If they do not follow this course, I incline to think that a struggle of some sort on that question would become inevitable." [24]

The following year the Lords' treatment of the Municipal Corporations (Ireland) Bill almost converted Lord John Russell to the necessity of drastic dealing with their House. The bill had been turned inside out with the avowed object, as Lord Lyndhurst said,

[22] George Kitson Clark, *Peel and the Conservative Party, A Study in Party Politics, 1832–41* (London, 1929), pp. 289–293, gives some details in regard to the action of Peel and the Duke on this occasion.

[23] Wallas, *op. cit.*, p. 346.

[24] *Lord Melbourne's Papers*, p. 291.

of transforming it into "a Conservative arrangement." An Irish peer, the marquess of Clanricarde, denounced the action of the Lords as "injurious to the people of Ireland and insulting to the other House of Parliament" and "a severe blow at the Union." [25] When the amended bill returned to the House of Commons, Lord John said:

"That Bill has been returned to us with the title altered, with the preamble changed; and of a Bill consisting of 140 clauses, 106 have in substance been omitted, eighteen other clauses have been introduced, and of the whole purport and intention of the original Bill little is to be found in the Bill which is now come down to us." [26]

The bill was dropped because of the Lords' amendments. The same fate met the English Corporation Amendment Bill, and the Irish Tithe Bill was rejected a third time by the Lords. The English Tithe Commutation Bill and the Dissenters' Marriage Bill were graciously permitted to pass; while Lyndhurst's conversion resulted in the passage of a bill allowing persons accused of felony to be defended by counsel. This had twice previously passed the House of Commons and been buried in a select committee by the Lords.[27]

Russell's indignation with the Lords led him to send Melbourne a memorandum on the subject. In this he stated that the recent conduct of the Lords made it

"evident that a majority of that House are combined, not to stop or alter a particular measure, but to stop or alter all measures which may not be agreeable to the most powerful, or, in other words, the most violent, among their own body. Both the Tories and the Radicals have the advantage of a definite course with respect to this state of things. The Tories praise the wisdom of the Lords, and wish to maintain their power undiminished. The Radicals complain of a mischievous obstacle to good government, and propose an elective House of Lords. The Ministers stand in the position of confessing the evil and not consenting to the remedy. The influence of public opinion is, indeed, to be looked at as some check to the House of Lords; but, on Irish questions, it is a very imperfect one."

In view of this situation Russell thought it "better to take every opportunity of increasing the strength of the Liberal party in the House of Lords," and urged "that this opportunity should be taken for the creation of eight, ten or twelve peers, and that the Ministry

[25] *Hansard,* third series, XXXIII, 1047–1049.
[26] *Ibid.,* XXXIV, 218.
[27] *Annual Register,* 1836, History, pp. 110, 122, 134.

be prepared to advise a similar creation whenever it is *provoked.*" [28]

Melbourne was loath to adopt this advice, and no peers were created until the following year. Probably so moderate a measure would have had no effect beyond irritating the Lords. Unquestionably the constant obstruction of Whig measures by the Lords had much to do with the fast waning popularity of the ministers. Moreover, there was a growing suspicion on the part of the Radicals that the obstruction of the Lords was not only encouraged by the half-hearted manner in which the ministry supported its own measures, but that it was actually welcomed by the ministry as a means of escape from measures forced upon them by their Radical supporters. The accession of Queen Victoria, which for the first time gave the Whigs the benefit of cordial support from the sovereign, restored for the moment the falling fortunes of the Melbourne government, but in the election of that year the Tories made gains in the counties, and the Radical party in parliament was almost wiped out. Sir Francis Burdett, resigning as Radical member for Westminster, was triumphantly reëlected as a Tory.[29] Relieved from Radical pressure the ministry became frankly conservative, and the feeling spread that the difference between the Whigs and the Tories was simply that between the "ins" and the "outs." This feeling was confirmed by Lord John Russell's declaration of "finality" in regard to parliamentary reform made on the opening of parliament in November, 1837. The Radicals thenceforth considered themselves absolved from any special allegiance to the Whigs, and adopted a policy of giving their support to the highest bidder, which proved effective for their purposes, but very destructive to the stability of governments.[30]

The weakness of the government, which might have been overturned at any moment by a union of Tory and Radical votes, stimulated the Tories' eagerness for office. Peel, who was determined not to take office again until he could command a majority in the House of Commons, found great difficulty in restraining his followers. His efforts were not always successful in the House of Commons, and in the House of Lords, thanks apparently to a want of communication between Peel and Wellington, obstruction was carried beyond what Peel considered wise or safe. In spite of his

[28] Walpole, *Life of Lord John Russell,* I, 266–267.
[29] Mrs. Grote, *Personal Life of George Grote* (London, 1873), p. 112.
[30] *Ibid.,* p. 110.

earlier action on Catholic emancipation and his subsequent action on the Corn Laws, Peel now took the view "that it would be discreditable to the party and dishonourable to turn out the Government upon their policy, and then adopt that policy, or anything like it, when ourselves in Government." [31] Taking that view, he thought the time had come to consider whether resistance to the Irish Corporations Bill—which the Lords had rejected in three successive sessions—could be maintained; and if not, what concessions could be wrung from the government in return for the withdrawal of their opposition. It appears from a letter of Sir James Graham to Peel, June 9, 1840, that the Tories had agreed to pass both the Irish Corporation Bill and the Irish Tithes Bill, provided the appropriation clause was omitted from the latter.[32] On June tenth, Arbuthnot wrote Graham that the Duke "does not appear to think he is bound to pass" the Irish Corporation Bill, fearing it might "sever the connection between England and Ireland." [33] The Duke was also strongly opposed to the bill for the union of the two Canadas, which Peel considered desirable and saw no prospect of forming at any time more propitious.[34] Arbuthnot reported, "If the Canada Bill for the Union of the Provinces should be sent up to the House of Lords, the Duke will do his utmost to have it thrown out." [35] After negotiations conducted through Arbuthnot, Graham reported to Peel that he thought the Duke would pass the Irish Corporation Bill and there was still hope of converting him on the Canada Bill. He had been piqued at Peel's want of communication on the subject.[36] When the bills finally came up in the House of Lords, the Duke carried his amendments to the Irish Corporations Bill and expressed his strong disapproval of Canadian union, but refrained from voting against it.[37] As to the Canada Clergy Reserves Bill, which was brought in in the same session, Peel offered no opposition to it in the House of Commons, but apparently had not communicated with the Duke about it for he assailed it fiercely in the House of Lords, and then had to retract and beseech his followers not to throw it out. According to Greville,

[31] *Peel Papers*, II, 433–434.
[32] *Ibid.*, II, 439.
[33] *Ibid.*, II, 440.
[34] *Ibid.*, II, 438.
[35] *Ibid.*, II, 441.
[36] *Ibid.*, II, 442.
[37] *Ibid.*, II, 444–5.

it was only after summoning the peers to Apsley House and addressing them at length that they were finally induced to give in.[38]

Commenting on the action of the Lords during this period, Greville, who was by no means bigoted in his support of the Whigs, called attention to the way in which the Tories indemnified themselves for their exclusion from office "by placing the House of Lords in the new position of an assailant of the Queen's Government, and the Peers, without daring to assert coördinate authority with the House of Commons as to the choice of Ministers, evince their disapprobation to that choice by frequently thwarting their most important measures." Greville thought it "a great practical change in the constitutional functions of the House of Lords," "a departure from the character and proper province of that House to array itself in permanent and often bitter hostility to the government, and to persist in continually rejecting measures recommended by the Crown and passed by the Commons." When the Lords opposed ministers during the last years of King William's reign, they may have justified themselves on the ground that in so doing they were supporting the Crown; but no such claim could be made since the accession of Queen Victoria; yet, for the first time, as Greville believed, "there is no party in the House of Lords supporting the Crown, nor any individual acting upon that principle, but all are either Whigs or Tories arrayed against each other and battling for power." [39]

When the Lords treated so cavalierly the major proposals of the government, it is not surprising that minor measures received short shrift. Take, for instance, the attempts to remove the civil disabilities of the Jews. The exclusion of the Jews from parliament was brought about in 1828 on the occasion of the repeal of the Test and Corporation Acts because Lord Tenterden, "whose bigotry," as Lyndhurst said, "exceeded even his learning," insisted on inserting in the revised oath the words "upon the true faith of a Christian" as a condition for acceding to the repeal.[40] The first attempt to secure relief for the Jews failed in the House of Commons in 1830. The first reformed House of Commons passed a

[38] Charles C. F. Greville, *The Greville Memoirs,* A Journal of the Reign of Queen Victoria from 1837 to 1852, edited by Henry Reeve. 2 v. (New York, 1885), I, 255–256.

[39] *Ibid.,* I, 112. Some writers commented in similar vein on the action of the Lords in 1906 to 1909!

[40] *Hansard,* third series, CXLIX, 1774.

similar bill in 1833 by a majority of 137; but in the Lords it met with uncompromising opposition from Wellington, and was rejected by a majority of fifty, fifteen bishops voting against it.[41] Five similar bills, two of them government measures, met the same fate between 1833 and Wellington's death in 1852. The action of the Lords in regard to the admission of Dissenters to the universities has already been referred to. It is worthy of note that both of the measures mentioned above involved religious toleration, and so trenched upon the exclusive privileges of the Established Church. Coinciding as they did with the beginnings of the Oxford Movement, the effect of which was to magnify the rôle of the clergy, and to lead to the formation of a church party in politics for the first time since the Stuarts, one would expect them to meet with stubborn opposition.[42] Yet the Lords had acquiesced in the Irish Church Bill of 1833, which redistributed the revenues of the Church and reduced the number of bishops from twenty-two to twelve; and they had passed the Established Church Bill of 1836, which equalized episcopal salaries, abolished pluralities and non-residence, and placed ecclesiastical property in the hands of a commission. One cannot help suspecting that the threats made against the bishops because of their opposition to the Reform Bill, and the petitions presented and motions made in the House of Commons in 1833, 1834, and 1836 to relieve the bishops from their legislative functions had something to do with their acceptance of church reform.[43]

The Lords doubtless justified their opposition to these measures as proof of their independence and their devotion to principle. But the fact that on several occasions they acted contrary to their avowed convictions in response to popular clamor or the direction of the Tory leaders in the House of Commons went far to destroy their claim to independence. Later, when they accepted from Tory governments in a minority in the Commons, measures they had stubbornly resisted in opposition, it looked very like preferring party and the spoils of office to principle. Disraeli's taunt at the Tory party in *Coningsby* as "the great constitutional cause that refuses everything to opposition; yields everything to agitation; conservative in Parliament, destructive out-of-doors; that has no objection to

[41] *Hansard,* third series, XX, 245–46, and 249.

[42] A. V. Dicey, *Lectures on the Relation between Law and Public Opinion in England during the Nineteenth Century* (London, 1905), p. 331.

[43] *Hansard,* third series, XIX, 1082–1084; XXII, 131–153; XXXIII, 311–322.

any change provided only it be effected by unauthorized means," might well have been applied to the policy of the House of Lords in the years immediately following the first Reform Act.[44]

Disappointed at the conservative character of the Reform Act of 1832, the working class at first looked to their late allies in the reform agitation to complete what they had begun by supplementary measures, such as the ballot, triennial parliaments, *etc.* Soon disillusioned in these expectations, they turned to the organization of trade unions as a means of bettering their conditions. These failed partly because of mismanagement, partly because of the handicaps which the law still imposed on the workers. When a new period of trade depression brought acute misery in its train, the workingmen turned again to political agitation. Convinced that parliament as then constituted would do nothing for them voluntarily, they sought first, by means of popular pressure, to secure a radical reform of parliament which would permit them to be represented by their own working-class members. A bill embodying the six points of Cartwright's reform program of 1776, manhood suffrage, ballot, payment of members, annual parliaments, equal electoral districts, and the abolition of the property qualification, was drawn up by Place for a committee of the London Working Men's Association in the summer of 1837.[45] Under the name of the People's Charter, it became the rallying cry of an essentially working-class movement for political enfranchisement. The agitation took the form of monster meetings, parades, demonstrations and petitions to parliament signed by thousands. One petition presented by Attwood on June 14, 1839, was nine or ten feet in circumference and was rolled to the speaker's table by twelve men.[46]

Feeling that they had been betrayed in 1832 by the middle classes, who had used their help to secure their own enfranchisement and had then done nothing for their late allies but impose a Poor Law which appeared to them monstrously harsh and cruel, they desired none of their coöperation this time. This was one cause of their distrust of the Anti-Corn Law League, with its middle-class leaders, and a great source of weakness to the Chartists. Unwisely led, with inadequate resources, and betrayed into violence by poverty, hunger, and the

[44] Benjamin Disraeli, Earl of Beaconsfield, *Coningsby or the New Generation* (London, 1901), pp. 351–2.
[45] Wallas, *op. cit.*, p. 365.
[46] Wakefield, *Life of Thomas Attwood*, p. 345.

harsh measures of the authorities, Chartism proved a sad failure. Place, it appears, "thought Chartism had little chance of immediate success unless some accident, as had happened in 1832, should bring politics into a revolutionary position. But he was sure that a well-managed agitation for the Charter would create a strong democratic party, led by the new class of educated workingmen, and able to put pressure upon Parliament."[47] Unfortunately the extremists among the "physical force" Chartists brought discredit upon the whole movement, and so alarmed the aristocratic classes as to delay rather than hasten the coming of democracy. But while the Chartism of 1837–1848 was a dismal failure so far as immediate practical accomplishment went, its aims and ideals lived on long after it had ceased as an organized political movement. Though its immediate aim was political democracy, that was desired only as a means to economic improvement and social reform; and when the political labor movement emerged again at a later date, this Chartist characteristic still survived. In the meantime, various fragments split off from the original Chartist organization played an active part in the advocacy of social and political reform, and were even more important perhaps, in carrying on the political education of British workingmen.[48] Looked at from the point of view of its remoter influences, the Chartist movement bulks large in the political history of the century.

When the Chartist movement got into the control of the extremists, the more moderate Chartists gradually joined the Anti-Corn Law League, which combined in its ranks both middle and working classes, and was brilliantly led by Cobden and Bright with so strict a regard for legality that the authorities were deprived of all grounds for attack. The story of the repeal of the Corn Laws has been often and brilliantly told and there is no need to repeat it here. It is only necessary to point out briefly its influence on the relations between the Houses.

Part of Cobden's plan of campaign had consisted in encouraging manufacturers to invest in land in order to qualify as electors and as members of parliament. The result of this was a considerable modification of the prevailingly landlord character of the House of

[47] Wallas, *op. cit.*, p. 367.

[48] For a detailed account of the activities of these various groups in the period following the break-up of the Chartist movement, see the volume by Miss Frances Elma Gillespie, *Labor and Politics in England, 1850–1867* (Durham, N. C., 1927).

Commons. The House of Commons in 1838 "did not contain two hundred Free Traders; Whig or Tory, it was a landlords' house only a little less than before the Reform Act of '32. . . . In seven years the House of Commons was brought round to total repeal; and the extension of the suffrage eventually came not as a prelude but as a consequence of that great economic revolution." [49]

Landlords, however, still formed the majority of both Houses, and it was only the agitation of the League which induced them to forgo protection. In 1845, Nature came to the aid of the League. Bright wrote to his sister-in-law, October 26, 1845:

"The Corn Laws are on their last legs, if legs they have remaining. The deficient harvest and the failure of the potato crop seem likely to do our work very shortly so far as the change in the law goes. It is expected the ports will be opened by an Order in Council, and if they are we shall make it difficult to close them again. On every hand there is an expectation that we shall have repeal next session." [50]

Five days later Peel proposed to his cabinet the opening of the ports, to be followed, when parliament met, by the repeal of the Corn Laws. Only Aberdeen, Graham and Herbert agreed with him, and Peel postponed for a month the final decision, hoping that his other colleagues would change their views.

Meanwhile, the League continued its agitation with increased fervor; the *Times* turned violently anti-Corn Law; Lord John Russell issued from Edinburgh a letter to his London constituents declaring for total repeal; and Prince Albert recorded that "a general panic seized on the mass of the public. . . . The whole country cried out: the Corn Law is doomed." [51] Even the Prince and Sir Robert seem to have been affected by the general panic. When Sir Robert came to report his failure to carry his cabinet with him on repeal and to advise the Queen to summon Lord John Russell, he seemed to be haunted by Bright's declaration of 1843,

" 'There is no institution of this country, the Monarchy, the Aristocracy, the Church, or any other, whose fate, if attached to the Corn Laws, cannot be predicted.' " [52]

[49] George Macaulay Trevelyan, *Life of John Bright* (Boston, 1915), p. 31.
[50] *Ibid.*, p. 135.
[51] *The Letters of Queen Victoria,* A Selection from Her Majesty's Correspondence between the years 1837 and 1861. Edited by Arthur Christopher Benson and Viscount Esher, 3 v. (London, 1908), II, 49.
[52] Trevelyan, *op. cit.*, p. 144.

The Prince records in his summary of the interview with Peel on December sixth,

"It is a matter of the utmost importance not to place the House of Lords into direct antagonism with the Commons and with the masses of the people. Sir Robert says very correctly:—

" 'I am afraid of other interests getting damaged in the struggle about the Corn Laws; already the system of promotion in the Army, the Game Laws, the Church, are getting attacked with the aid of the league.' " [53]

In view of the dangers he feared, Peel was prepared to promise Russell that he would "support him in Parliament and use all my influence with the House of Lords to prevent their impeding his progress." [54] But when Russell asked for particulars, the assurances given did not beget confidence and formed one element in Russell's failure to take office.[55] Bright's biographer attributes the Whigs' failure to take office to their conviction that repeal could not be carried through the House of Lords by a Whig government without coercion.[56] The reluctance of Whig peers to join Russell's cabinet seems to support this view, though their animosity toward Peel may have influenced them also. Of those consulted by Russell, only Lords Cottenham and Grey approved of taking office, and many expressed their satisfaction when Russell gave up the effort.[57] The duke of Bedford, it is true, suggested to his brother that he might not

"find the difficulties that are expected in the House of Lords, where the Peers may be unwilling to incur the risk of rejecting a measure to give more and cheaper bread to our increasing population, which has the support of the Crown, the House of Commons, and the people."

But when he heard that Lord John had given up the attempt, he wrote that the news had given him "inexpressible relief." [58] Lord Clarendon wrote that if Russell wished he would tell Graham that

"if he and Peel really want you to relieve them from the difficulties into which they have got themselves and the country, they must act with greater

[53] *Letters of Queen Victoria, 1837–1861,* II, 50.

[54] *Ibid.,* p. 50.

[55] *Later Correspondence of Lord John Russell, 1840–78,* edited by G. P. Gooch, 2 v. (London, 1925), I, 93; Greville, *op. cit.,* II, 46–87; and G. Otto Trevelyan, *The Life and Letters of Lord Macaulay,* 2 v. (New York, 1875), II, 143–151.

[56] Trevelyan, *op. cit.,* pp. 139–140.

[57] *Later Correspondence of Lord John Russell,* I, 98; and "Notes on the Greville Memoirs," in the *English Historical Review,* I, 127–128.

[58] *Later Correspondence of Lord John Russell,* I, 89 and 96.

frankness and cordiality"; but added, "for my own part I have no desire to promote the hazardous enterprise which they want you to undertake." [59]

Lord Minto wrote that he thought it

"much more for the public advantage—and in a party sense, much more for your advantage—that Peel should be compelled to bear the burden of his delinquencies and embarrassments for a while longer, instead of transferring them to your shoulders."

He thought abolition of the Corn Laws inevitable and that it mattered little who carried it.[60]

With Peel back in office after the failure of Russell to form a ministry, the question of the Lords' attitude toward repeal still caused anxiety. To ease Peel's task, the Queen wrote personally to Wellington to urge his support. And when the Council met at Windsor on the formation of the new government, Prince Albert said to Wellington:

" 'You have such an influence over the House of Lords that you will be able to keep them straight;' to which the Duke replied: 'I'll do anything; I am now beginning to write to them and to convince them singly of what their duty is.' " [61]

In his letter to Lord Derby, the Duke put the case thus:—

"Upon the important occasion and question now before the House, I propose to endeavour to induce them to avoid to involve the country in the additional difficulties of a difference of opinion, possibly a dispute between the Houses, on the question in the decision of which it has been frequently asserted that their lordships had a personal interest; which assertion, however false as affecting each of them personally, could not be denied as affecting the proprietors of land in general. I am aware of the difficulty, but I don't despair of carrying the Bill through. You must be the best judge of the course which you ought to take, and of the course most likely to conciliate the confidence of the House of Lords. My opinion is, that you should advise the House to vote that which would tend most to public order, and would be most beneficial to the immediate interests of the country." [62]

Upon this occasion the Duke did indeed display that wise discretion in the leadership of the Lords for which it was customary to commend

[59] *Ibid.*, I, 93.
[60] *Ibid.*, I, 93.
[61] *Letters of Queen Victoria, 1837–1861*, II, 65.
[62] See Walter Bagehot, *The English Constitution and other Political Essays*, revised edition (New York, 1895), pp. 168–172, where the Duke's letter is given in full.

him in later days, though on other occasions, for which he himself claimed credit in the letter cited above, the real credit would seem to be due to Peel.

With Radical support in the Commons and Wellington's support in the Lords, Peel was able to carry repeal; but he may well have regretted the failure of the Whigs to save him from the task, for the result was such a schism in his party that a generation was required to heal it. This disorganized state of parties led to a series of weak and short-lived governments whose legislative programs were perforce unambitious. But a more important consequence of Corn Law repeal was the increased strength it gave to the middle class in Commons and country. It thus marked an important stage in the growing loss of social and economic uniformity between the Houses, begun by the Reform Act of 1832, which resulted in a conflict between those having property in land and those having property in industry. As the latter gradually gained the predominance in the House of Commons, they found themselves balked because their rivals commanded a majority in the House of Lords. The rivalry between capital in land and capital in industry, sharpened by the success of the latter in 1846, became therefore a fruitful source of conflict between the Houses in the years between 1846 and 1886.

CHAPTER III

Repeal to Reform, 1846–1867

"It is impossible that the whisper of a faction should prevail against the voice of a nation."

Lord John Russell.[1]

Between Corn Law repeal and the passing of the second Reform Act in 1867, no less than eight governments held office. While only the government of Lord Aberdeen is generally referred to as a coalition, they all partook of that character, for with Tories split into Protectionists and Peelites, and the Whigs steadily losing ground to the middle-class Radicals or Manchesterites, whichever party was in office was dependent either on the forbearance of the other, or on the uncertain support of Peelites, Radicals or Irish. Naturally, under such circumstances, ministers reduced their controversial measures to a minimum; and many of the modest but useful reforms of the period were thrust upon the government by private members. Another cause for the paucity of domestic legislation is to be found in the eventful character of foreign affairs. Small wonder that the revolutions of 1848 on the Continent, the Crimean War, the Sepoy rebellion, the struggle for Italian independence, the Prussian wars against Denmark and Austria, and the Civil War in America should have diverted the attention of ministers from domestic questions. Nevertheless these years are interesting and important to the student of relations between the Houses. In the first place, there were three occasions between 1846 and 1867 when questions arose which involved the constitution or powers of the House of Lords. Secondly, the weakness of ministers in the House of Commons seemed to restore to the House of Lords in large measure the independence of which they feared the Reform Act had forever deprived them. It is pertinent to examine the character of the measures opposed by the Lords under such circumstances. The third point of interest in these years is the economic and political evolution of the working classes, culminating in the successful agitation for the second Reform Act.

[1] Sir Spencer Walpole, *Life of Lord John Russell*, I, 172.

The first question which involved the constitution of the House of Lords arose out of the indignation felt toward the bishops for their opposition to the Reform Act and other popular measures. Motions and petitions for the exclusion of the bishops from the House of Lords had been presented in the House of Commons in 1833, 1834 and 1836. In 1836, the Established Church Bill met with Radical opposition on the ground that it left untouched "the crying anomaly of the session of Bishops in Parliament." [2] To compromise with this opposition the Whig government made the creation of the new bishoprics of Ripon and Manchester contingent on the union of the see of Bristol with that of Gloucester, and of St. Asaph with Bangor, the unions to be effected at the death of one of the then incumbents.[3] But when the bishop of St. Asaph died, the bishop of Bangor refused to assume the duties of both sees, and the government recommended the Crown to fill the vacancy. They then introduced, in 1847, a bill repealing the unions proposed in the earlier measure, and creating the new sees of Ripon and Manchester, but with the proviso that the new bishops should take their seats in the House of Lords only when vacancies occurred on the episcopal bench.[4] This was a rather arbitrary restriction of one element of the Lords' membership, and was naturally much resented by the Church. Although the bill passed the House of Lords by a vote of 44–14 with eight bishops voting for it, a protest was signed by three lay and two spiritual peers.[5] That the bishops did not willingly acquiesce in the limitation of their numbers is shown by their action in 1867. In that year the government proposed the creation of additional sees. Nothing was said in the original bill about excluding the new bishops from the House of Lords, but such a provision was inserted by an amendment in the House of Commons. In the House of Lords, the amendment was rejected on the appeal of the archbishop of Canterbury, and the bill was in consequence dropped.[6] But however irritating the legislation of 1847 may have been to the Church, it entailed no serious quarrel between the Houses, and made no important alteration in the principles upon which the Upper House is constituted.

The proposal to strengthen the House of Lords in its judicial capacity by the creation of peers for life was of far greater consequence.

[2] *Hansard,* third series, XXXV, 34.
[3] *Ibid.,* XXXV; 523.
[4] *Ibid.,* XCIV, 238. Cf. 10 & 11 Victoria cap. 108, sec. 2.
[5] *Ibid.,* XCIII, 795–797.
[6] *Ibid.,* CLXXXIX, 1539–1544.

Nominally and legally the House of Lords as a whole constitutes the highest court of appeal, as it has done for many centuries. Actually, by a custom dating from O'Connell's appeal in 1844, only peers who hold or have held high judicial office take any active part in the judicial work of the House.[7] The law lords, as those conducting the judicial business of the House are called, consisted of the lord chancellor, any ex-lord chancellors who happened to survive, and of such members of the judiciary as had received peerages by inheritance or creation. Sometimes the group was too small or too aged to transact efficiently the work which devolved upon them. The first suggestion for remedying this situation by bestowing life peerages on members of the judiciary came from Lord John Russell in 1851, and met with the Queen's hearty approval.[8] But Dr. Lushington, the first candidate for the honor, declined, and the matter was dropped for the time being.[9] Palmerston revived the project in 1855, when the Queen wrote in answer to his suggestion:

"The want of Law Lords in the Upper House has often been complained of, and the Queen has long been of the opinion that in order to remedy the same without adding permanently to the Peerage, the Crown ought to use its prerogative in creating Peers for life only. Lord Lansdowne coincided with this view, and Lord John Russell actually proposed a "Life Peerage" to Dr. Lushington, who declined it, however, from a dislike to become the first of the kind." [10]

Thus it appears that the Queen not only approved of the proposal, but felt confident of her power to give effect to it. The following year James Parke, ex-baron of the exchequer, was created Baron Wensleydale for life. The storm of opposition which this occasioned came as a complete surprise to the Queen and her ministers.

[7] Spencer Walpole, *A History of England from the Conclusion of the Great War in 1815,* 5 v. (London, 1879), IV, 239.

[8] *The Letters of Queen Victoria, 1837–1861,* II, 284.

[9] Later in the same year, Lord Redesdale gave notice of the following motion in the House of Lords:

"That an humble Address be presented to her Majesty, praying, that for the Advantage of this House and of Suitors thereto, and for the honour of the legal Profession, Her Majesty will be graciously pleased to sanction the Erection of the Offices of Lord Chancellor, Chief Justice of the Queen's Bench, Chief Justice of the Common Pleas, and Chief Baron of the Exchequer, in England into Baronies, which shall entitle the Holders of the said Offices to Writs of Summons to Parliament by Tenure of the said Offices."

Lord Campbell said that an act of parliament would be necessary to carry out the purpose of the motion, and receiving no support from the government, it was dropped. *Hansard,* third series, CXVII, 1311–1312.

[10] *Letters of Queen Victoria, 1837–1861,* III, 145.

No peers for life had sat in the House of Lords for nearly four hundred years, and while the Lords were willing to acknowledge the *legal* right of the Crown to confer such a peerage, they condemned as unconstitutional the exercise of a prerogative so long disused. Moreover Tory Lords saw in the revival of the practice a weapon which might prove dangerous to the independence of their House. "Swamping," such as was threatened in 1832, would be a simpler matter if the peerages created were for life only. The lawyers of the House chose to regard the new form of creation as a professional affront. The latter bore the brunt of the opposition and the duke of Argyll, for one, was strongly impressed with the professional animus which furnished the motive for their action. Speaking on Salisbury's Life Peerage Bill in 1888, and referring to the earlier occasion, he recalled that

"it was a curious fact, and it formed a piece of political gossip at the time, that if Lord Wensleydale had been well enough to take his seat on the first night of the Session no question would have been raised by the Law Peers. But as he was ill, he was compelled to delay taking his seat for three weeks or a month, and during that time the Law Peers got up the opposition." [11]

Be that as it may, when the question was raised, the law lords had secured the support of Lord Derby, who declared the action of the ministers appeared to him "to involve nothing less than an organic change of a most extensive description in the constitution of this House." He considered the hereditary character of the House the principal guarantee of its independence, and thought the power of creating peers for life would remove an invaluable check upon the inclination of ministers to control its decisions by new creations.[12] Lords Campbell, St. Leonards and Brougham spoke in much the same strain, and Lord Lyndhurst declared that

[11] *Hansard,* third series, CCCXXVII, 399.

The duke of Argyll makes the same point at greater length in his *Autobiography,* where he says:

"They believed that no lawyer would ever again receive an hereditary peerage. But seeing that this view alone would not secure any large support, they fell back on the danger involved to the independence of the House of Lords, and there was not a man among them who could present this high argument as Lyndhurst could present it. They therefore crowded to his house and with one consent implored him to undertake the cause."

Lyndhurst, who was then eighty-four years of age, blind and infirm, answered the call, and became the chief spokesman of the opposition. *Autobiography and Memoirs of George Douglas, Eighth Duke of Argyll, K. G., K. T.,* 2 v. (London, 1906), II, 14.

[12] *Hansard,* third series, CXL, 364 and 374.

"One great barrier against the creations of Peers for the occasional purposes of the Government is the hereditary character of this House. . . . But if a few members of the legal profession can be created Peers for the short remainder of their careers, how easy it will be for an unscrupulous Minister—we have had many unscrupulous Ministers, and we are likely to have them in the future—to carry the system out to what extent he thinks proper for his own objects." [13]

Lord Lyndhurst's argument as to the constitutionality of creating peers for life, which was long and eloquent and based on many hoary precedents, resolves itself into two important points. First, that the basis of the British constitution being prescription, the revival of a prerogative which has been in abeyance for hundreds of years is a "flagrant violation of the principles of the constitution;" and second, that granting the legal right of the Crown to create peers for life, it lay with the peers themselves to decide whether a peer so created was entitled to sit and vote in their Lordships' House. The first point involves a distinction between what is *legal* and what is *constitutional* which is surely valid and important in a country governed by an unwritten constitution. Unfortunately the Lords have sometimes forgotten their own teaching, notably in the cases of the Paper Duty Bill of 1860 and the Finance Bill of 1909. The second point, if carried out to its logical conclusion, would have given the House of Lords complete control over the exercise of the Crown's prerogative to create peers, whether peers for life or hereditary peers. Lord Derby's argument surely implies nothing less.

"I will not consent that the Crown shall have the power of calling Peers to this House by the mere exercise of the prerogative, or that we shall be denied the right of discussing and deliberating upon the manner in which the power of the Crown has been applied in the exercise of its prerogative. I will not consent that we should deprive ourselves, by our own act, of that with which the House of Commons will not part—of that which is essential to every legislative body—namely the power of being the judges of our own privileges, and the interpreters of the laws which regulate the rights of those who have the honour of a seat in your Lordships' House." [14]

Lord Campbell's claims were no less sweeping:

"The exercise of the prerogative of the Crown might be watched, and ought to be watched; and there was a tribunal appointed to decide whether the Crown exceeded or had acted in accordance with its prerogative in

[13] *Ibid.*, CXL, 275.
[14] *Ibid.*, CXL, 374.

matters referring to the creation of Peers, a tribunal recognised by the Constitution of the country, and that tribunal was their Lordships themselves. With regard to the creation of a Peer, that house was the tribunal to decide whether the creation was legal; and if they had not that power, the sooner they abdicated their functions the better." [15]

It would seem as if the Whig peers of 1719, if they had held similar views, might have attained their ends without the formality of a Peerage Bill! Lord Grey pointed out whither such reasoning tended when he asked the question:

". . . does not everyman see that if you refuse to admit a Peer for life on the ground of its being an improper exercise of the prerogative, you may refuse to admit those whom you might consider to have been created Peers improperly, although they might have hereditary grants, and thus virtually establish in this House an absolute, irresponsible and uncontrollable authority in the State." [16]

Lord Lyndhurst urged that a Committee of Privileges be appointed to decide whether or not Baron Wensleydale should be permitted to take his seat. This procedure was adopted over the able protest of Lord Granville by what appears to have been a strictly party vote.[17] The committee reported adversely to Baron Wensleydale's claim, and its report was accepted by a vote of 92 to 57, though three groups of peers entered protests either against the decision on its merits, against the limitation it placed upon the prerogative of the Crown, or against the competence of the committee to decide the question.[18]

The ministry, who seem to have been innocent of any intention to make an organic change in the constitution of the Upper House, were surprised and dismayed at the storm of opposition their action aroused in the Lords. The duke of Argyll, then in the cabinet, acknowledged that

"There was a general feeling, even amongst ourselves, that Palmerston's action had been hasty and ill-considered, that its probable consequences—not on the judicial, but on the political strength and independence of the House —had not been fully weighed, and, above all, that no provision had been made against abuses."

[15] *Ibid.*, CXL, 1310.
[16] *Ibid.*, CXL., 1170.
[17] *Ibid.*, CXL, 380–381.
[18] *Ibid.*, CXL, 1216–1218 and 1309–1311.

He adds:

"It was a battle entirely fought within the quiet precincts of the House of Lords, and excited very little attention outside of it." [19]

Following the government's defeat on the Wensleydale case, Lord Derby proposed a select committee to frame a plan for strengthening the Lords in their judicial capacity. This was accepted by the government and a bill brought in based on the committee's report. It provided that the House of Lords, sitting as a court of appeal, should comprise not fewer than three law lords; that it might sit during the prorogation of parliament; and that the Crown might create not over four peers for life, chosen from judges of five years' standing, two of whom were to receive salaries as judges of appeal.[20] This bill passed the House of Lords, but was dropped after second reading in the House of Commons.[21] The reasons for its rejection seem to have been the suspicion aroused because of its bipartisan origin; dissatisfaction with the inadequate scheme of judicial reform which it embodied; and opposition to what was considered a limitation of the Queen's prerogative in the creation of peers. The opposition came from Whigs, Peelites, Radicals, but not from Tories. It may seem surprising to find the Radicals defending the Queen's prerogative, but the reason seems to be that they regarded it as the only means, in the last resort, of overriding the opposition of the House of Lords. Such a weapon had been needed in 1832 and Radicals who had urged its employment then did not wish to see its edge dulled by any statutory limitations.

The Lords' decision in the Wensleydale case, amounting to a denial of the Queen's right to create peers for life, thus shut the door upon what might have proved an excellent means of injecting new blood into their ancient body. Lord Russell and Lord Palmerston at the time, and Lord Salisbury at a later date, regretted the action of the Lords as unwise on their own account; and Bagehot thought the introduction of life peers would have remedied most of the defects which he criticized in their existing constitution.[22]

The third occasion which involved constitutional issues resulted from the Lords' rejection in 1860 of the Paper Duty Repeal Bill. This

[19] *Autobiography,* II, 20.
[20] *Hansard,* third series, CXLII, 784.
[21] *Ibid.,* CXLIII, 613. The Bill was buried in a select committee.
[22] *Ibid.,* CXLIII, 609, for Palmerston's views; and Bagehot, *English Constitution,* p. 175.

measure repealed the excise duty on paper which was the last survivor of the "taxes on knowledge" against which Cobden and Bright had waged such strenuous war.[23] The advertisement tax had been repealed in 1853 and the newspaper stamp duty in 1855, while the paper duty had been condemned by resolutions in the House of Commons in 1858 and its repeal promised as soon as it should be financially practicable. In 1860 the repeal was embodied in Gladstone's financial scheme for the year which provided for the release of 371 articles from customs duties. In order to meet the estimated deficit of three million pounds, temporarily resulting from the commercial treaty with France, from the revision of customs duties, and from the paper tax repeal, Gladstone proposed to increase the income tax a penny in the pound. The majority in the House of Commons in favor of the paper tax repeal, which was estimated to be responsible for one million of the deficit, fell from 53 to 9, evincing a loss of popularity which Gladstone attributed to the interjection of Russell's ill-fated Reform Bill, which had postponed the vote until May eighth. Meanwhile affairs in Italy and in China, which made war a not impossible contingency, added to predictions of a bad harvest at home had made members less willing to risk a deficit.[24]

But apart from these immediate circumstances, opposition to repeal of the paper duty was part of the standing quarrel between landlords and manufacturers, begun by the Reform Act and accentuated by Corn Law repeal. The Manchester school, whose leading representatives in the House were Cobden and Bright, were eager not only to complete free trade and to free the press from restrictive taxation, but by substituting direct for indirect taxation, to increase the share of the tax burden borne by the landlords. They had secured a powerful ally in Gladstone, chancellor of the exchequer under Aberdeen from 1853–1855 and under Palmerston from 1859 to 1866. Gladstone's brother was an early chairman of the Liverpool Financial Reform Association,[25] and he himself, as a pupil of Peel, was much under the influence of the Manchester school. In 1853 he introduced a succession duty, equalizing the inheritance tax on real and personal property, which called down upon him angry denunciation that would have sounded familiar to Mr. Lloyd George in 1909.[26]

[23] Trevelyan, *Life of John Bright,* pp. 212–213.

[24] John Morley, *The Life of William Ewart Gladstone,* 3 v. (New York, 1903), II, 27–30.

[25] Gillespie, *Labor and Politics in England,* p. 84.

[26] *Hansard,* third series, CXXVII, 659 f; and CXXIX, 612 f.

The action of the Lords in 1853 forms an interesting comparison with their action in 1860. Before the bill came up to the Lords, Lord Malmesbury proposed the appointment of a select committee to inquire into the probable consequences of the new succession duty. Lord Aberdeen opposed the motion because, as he said:

"Now, your Lordships must be perfectly aware that, be your opinion what it may, and be the result of your Committee what it might, you cannot alter a tittle of this Bill—not a particle. You may—and this you have the full right to do—throw it out on the second reading. That is perfectly within your Lordships' competence to do—though I will not say how deeply I should regret, as well for the sake of this House as for the country, that you should adopt so rash and impolitic a course." [27]

Lord Derby dissented from Lord Aberdeen, claiming coördinate powers for the House of Lords in financial as in other branches of legislation.[28] Lord Granville agreed with Aberdeen, and hoped the Lords would not take the course proposed, not because it would weaken the government, but because "it might have an unfortunate effect on public opinion as regarded that House." [29] The motion for a committee was lost, but when the bill came before the House Derby persisted in moving amendments.[30] His action was strongly denounced by Aberdeen, warmly seconded by Granville, who, while dissenting from the extreme claims of Chatham in regard to the House of Commons' control of taxation, nevertheless agreed "that there never was an occasion in which it would be so unwise and so inexpedient for their Lordships to follow any such course [as Derby proposed] as the present." [31] Derby's amendments were rejected by a vote of 68–102, and the Succession Duty Bill passed third reading without a division.[32]

Such was a recent precedent confirming the Lords' practice of non-interference in financial legislation; but in 1860, encouraged by the small majority by which the Paper Duty Bill passed the Commons, and by the lukewarm support given the measure by Palmerston, the Lords ventured to throw it out. The rejection was moved by Lord Monteagle, who, according to Lord Derby, was "generally a

[27] *Ibid.*, CXXVII, 671.
[28] *Ibid.*, p. 674 f.
[29] *Ibid.*, p. 686.
[30] *Ibid.*, CXXIX, 612, 709 f.
[31] *Ibid.*, pp. 722–4, and 727.
[32] *Ibid.*, pp. 737 and 854.

supporter of the Government." [33] He was supported by Derby, Lyndhurst and by the Tories generally. As to the constitutionality of their action, Lyndhurst declared:

"I do not dispute—nor can it for a moment be disputed—that we have no right whatsoever to amend what is called a Money Bill. We have, moreover, no right whatsoever to originate a Bill of that nature. . . . But that principle does not apply to the rejection of Money Bills. I take leave to say that there is not an instance to be found in which the House of Commons has controverted our right to reject Money Bills." [34]

He quoted Lord Aberdeen as having taken a similar stand in 1853, but failed to add that Lord Aberdeen had urged the Lords not to exercise their right of rejection; nor did he recall his own argument about prescription in 1856, and the distinction he then drew between what was legally possible and what was constitutionally right.

The speeches of Lord Monteagle and Lord Derby both pointed to their dread of the increasing tendency to substitute direct for indirect taxation, with its accompanying hardship to the landed interest. Lord Derby cited the avowed intentions of the Manchester school to make the country solely dependent on direct taxation.[35] Argyll disavowed any such intention on the part of the government, though he admitted that Gladstone's budget reduced the articles on the tariff list from about 420 to forty-eight.[36]

Lord Granville made a strong plea against rejection. Admitting the legal, technical right of the Lords to reject money bills, he protested that the exercise of that right should be tempered by constitutional usage and by prudence. He declared that he knew of no precedent for the rejection of a bill remitting taxation which had formed part of the whole financial scheme of the year. In conclusion, Lord Granville asked:

"Is it wise for yourselves, or for the interests of this House—which I believe stands as high now in popular favour and esteem as it did at any period of its existence—to take the course which the noble Earl opposite [Earl Derby] asks you to pursue? . . . Is it prudent, then, for your own sakes to afford what, in accordance with my view, might be construed into a reasonable ground of complaint against you, and to do that which in accordance with the view of almost every one among us must appear to be

[33] *Ibid.*, CLVIII, 1527.
[34] *Ibid.*, 1463 f.
[35] *Ibid.*, pp. 1542–43.
[36] *Ibid.*, p. 1516.

calculated to furnish food for declamation to those who may seek to injure this branch of the Legislature as one of the institutions of the realm?" [37]

Lords Dufferin and Cranworth supported Lord Granville, the latter urging the Lords not to "take a step sanctioned by no substantial precedent since the Revolution" and which would endanger their position.[38] The marquess of Clanricarde declared his belief that

"If you reject this Bill, you will do much to create a spirit favourable to violent Reform, and to give an impulse to that agitation the absence of which has been so remarkable and so much a subject for congratulation." [39]

In spite of these counsels of moderation, the Lords rejected the Paper Duty Bill by a majority of 89. Bright, in a speech in the House of Commons, quoted a peer as having said of the division:

"If the regular House of Lords, that is to say, the hundred members who during the session really do transact the business, if they only had been in the House, the Paper Duties Repeal Bill would certainly have passed. About two hundred members, who hardly ever come there, were let loose for the occasion." [40]

The Queen, doubtless influenced by Palmerston's views, wrote to the King of the Belgians on May 22, 1860:

"The House of Lords have thrown the Bill for the Abolition of the Paper Duties *out* by a very large majority, which is a *very good thing.* It will save us a large amount of revenue." [41]

Gladstone's views were very different. The gravity with which he regarded the Lords' action appears in the full memoranda he kept "with respect to the great question now pending between the Lords and the English nation." The same source discloses Palmerston's desire to make light of the matter.

"He [Palmerston] was supported," writes Gladstone, "by the Chancellor, Wood, Granville (in substance), Lewis, and Cardwell, who thought nothing could be done, but were ready to join in resigning if thought fit. Lord John, Gibson, and I were for decided action. Argyll leaned the other way. Newcastle was for inquiry to end in a declaratory resolution. Villiers thought some step necessary. Grey argued mildly, inclined, I think, to inaction. Herbert advised resignation, opposed any other course. Somerset was silent, which I conceive meant inaction. At last P. gave in, and adopted

[37] *Ibid.*, pp. 1458–1459 and 1462.
[38] *Ibid.*, pp. 1491–1494, and 1500–1503.
[39] *Ibid.*, p. 1496.
[40] *Ibid.*, CLIX, 1595.
[41] *Letters of Queen Victoria,1837–1861,* III, 400.

with but middling grace the proposition to set out with inquiries, and with the intention to make as little of the matter as he could." [42]

Palmerston accordingly moved for a committee

"to search the Journals of the two Houses of Parliament in order to ascertain and report on the practice of each House with regard to the several descriptions of Bills imposing and repealing taxes." [43]

The motion was carried and a committee of twenty-one appointed. After leisurely deliberations the following resolutions were prepared and moved by Palmerston on July 5, 1860:

"1. That the right of granting Aids and Supplies to the Crown is in the Commons alone, as an essential part of their Constitution; and the limitation of all such Grants, as to the matter, manner, measure, and time, is only in them."

"2. That, although the Lords have exercised the power of rejecting Bills of several descriptions relating to taxation by negativing the whole yet the exercise of that power by them has not been frequent and is justly regarded by this House with peculiar jealousy, as affecting the right of the Commons to grant the Supplies and to provide the ways and means for the service of the year."

"3. That, to guard for the future against an undue exercise of that power by the Lords, and to secure to the Commons their rightful control over Taxation and Supply, this House has in its own hands the power so to impose and remit Taxes, and to frame Bills of Supply, that the right of the Commons as to the matter, manner, measure, and time, may be maintained inviolate." [44]

In his speech moving the resolutions, Palmerston deprecated the action of the Lords; excused it on the ground of the small majority by which the Paper Duty Repeal Bill passed the third reading in the House of Commons; and said he thought it did not establish a precedent, but if the Lords thought and acted to the contrary, the House of Commons had a remedy within its own power, as indicated in the third resolution. Sir Charles Douglas said Palmerston's speech reminded him of the verdict of the Welsh jury, "not guilty, but don't do it again." [45] Lord Derby characterized it as "the finest tight-rope

[42] Morley, *Gladstone*, II, 32.
It was about this time that Palmerston announced to the Queen that Gladstone had threatened resignation because no strong action was to be taken. *Letters of Queen Victoria, 1837–61*, III, 403.

[43] *Hansard*, third series, CLVIII, 1717.

[44] *Ibid.*, p. 1384.

[45] *Ibid.*, p. 1473.

dancing he ever saw." [46] Speaker Denison recorded in his journal that Palmerston's speech "had great success with the House"; but "was rather too much of an apology for the Lords, to have been spoken by the Leader of the House of Commons." [47]

Palmerston was followed by four Liberals who criticized the resolutions both as to form and matter, and protested against the weak action of the government. Gladstone's speech, as one would expect, was in marked contrast with his chief's. He declared that

"So far as the vindication by words goes, that proposed by her Majesty's Government is, I think, a good and sound vindication; but . . . I do not scruple to say that, in my opinion, this House would do well to vindicate and establish its rights by action; and without in the least degree imputing blame to, or finding fault with the terms of the proposal of the Government, I reserve to myself entire freedom to adopt any mode which may have the slightest hope of success for vindicating by action the rights of this House." [48]

It is curious to find Gladstone, in his speech, claiming less than Lyndhurst was willing to concede:

"It is quite a mistake to suppose that the House of Lords has ever made the admission that a Money Bill cannot originate there. By practice a Money Bill does not originate in the House of Lords; but there is no admission that a Money Bill cannot originate there. Just in the same way there is no admission on the part of the House of Lords that a Money Bill cannot be amended there. Strange to say, some great doctors of the Constitution are reported to have stated on a recent occasion that it was a principle admitted on all hands that no Money Bill could be amended in the House of Lords. Why, Sir, on the contrary, not only is there nothing in the rules of the House of Lords so far at least as the researches of the Committee have gone, to prevent such amendment, but it is actually the fact that the cases of amending Money Bills in the House of Lords are more frequent than those in which such Bills have been rejected by that House. The truth is, I apprehend, that under cover of these broad, and in themselves, perhaps, untenable and extravagant, doctrines of privilege, the House of Commons formally claiming everything, and the House of Lords formally ceding nothing, under cover of that apparent conflict, there has been a real, and until the present time an unbroken, harmony for two hundred years. The secret of that harmony is that both Houses by these claims, apparently so conflicting, have meant the same thing. The House of Commons, by its

[46] The Right Hon. the Earl of Malmesbury, G. C. B., *Memoirs of an ex-Minister*, 3 v. in 1 (Leipzig, 1885), III, 97.

[47] John Evelyn Denison, Viscount Ossington, *Notes from my Journal when Speaker of the House of Commons* (London, 1899), I, 73.

[48] *Hansard*, third series, CLIX, 1431–32.

privileges with respect to Money Bills, has meant to reserve to itself the integrity of the taxing power; and the House of Lords, by declining to admit the claim of the House of Commons, has intended to preserve to itself an effective means of preventing the House of Commons from forcing upon it other matters of general legislation under cover of Money Bills." [49]

Phillimore notes in his diary that Gladstone was "loudly and tempestuously cheered by the Radicals, and no one else." [50] He was, indeed, the object of vindictive attack by Disraeli and the two other Tories who represented their side in the debate; while the Radicals and independent Liberals frankly sided with Gladstone, and were indignant with Palmerston for his failure to support his colleague. John Bright and Mr. Digby Seymour exposed at length the unsubstantial character of the precedents cited by Lyndhurst and the committee.[51] The resolutions were finally carried without a division at the conclusion of the second night's debate. That the result was far from satisfactory to many of the government's popular supporters was shown by the resolutions brought in by Lord Fermoy, M. P. for Marylebone, condemning the action of the Lords and calling for a vindication of its privileges by the House of Commons. These resolutions were a consequence of petitions and resolutions drawn up by a meeting of delegates from the principal towns.[52] They were eventually dropped, and the Radicals were left to nurse a determination for revenge, while the Lords exulted in what seemed at the moment their victory. Morley concludes his account thus:

"In this rather tame fashion the battle ended for the session, but the blaze in the bosom of the chancellor of the exchequer was inextinguishable, as the Lords in good time found out. Their rejection of the Paper Duties Bill must have had no inconsiderable share in propelling him along the paths of liberalism. The same proceeding helped to make him more than ever the center of popular hopes." [53]

So the matter rested until the following April, when Gladstone presented to the cabinet a plan to secure the repeal of the paper duty and to set the Lords in their place for the future, so far as financial matters were concerned. That the plan was not readily accepted by the cabinet, appears from Gladstone's diary:

[49] *Ibid.*, pp. 1433–1434. The first half of this paragraph was quoted by the Lords in defense of their rejection of Lloyd George's budget in 1909.
[50] Morley, *op. cit.*, II, 33.
[51] *Hansard,* third series, CLIX, 1580 f. and 1536 f.
[52] *Ibid.*, p. 2078 f.
[53] Morley, *op. cit.*, II, 35.

"Apr. 10, '61. Saw Lord Palmerston and explained to him my plans, which did not meet his views. A laborious and anxious day. 11. Cabinet. Explained my case 1–3. Chaos! 12. Cabinet 1–3. Very stiff. We 'broke up' in one sense and all but in another. 13. Cabinet 3¾–6. My plan as now framed was accepted, Lord P. yielding gracefully; Stanley of Alderley almost the only kicker. The plan of one bill was accepted after fighting." [54]

The following day Gladstone received a letter from Palmerston, stating that although he had agreed reluctantly to Gladstone's proposal to repeal both the tenth penny on the income tax and the paper duty, he thought the financial proposals should have been framed so as to provide a larger surplus. While the cabinet had accepted Gladstone's recommendation, and he had acquiesced in its being presented to parliament, he thought it only right to warn Gladstone in advance that he did not intend to make the fate of his administration depend on the acceptance of his proposals by the House of Commons.[55] Had this been known at the time, it might well have proved fatal to Gladstone's proposals.

The budget which had thus weathered one storm in the cabinet, combined in one bill the repeal of the paper duty and the remission of the tenth penny of income tax added the year before with a multitude of other provisions constituting the entire financial scheme of the year. On its first presentation in the House of Commons, this feature of it seemed to go almost unnoticed. Mr. Bernal Osborne was alone in commenting on it, and that favorably.[56] A letter from Gladstone to Bright furnishes the clue to the otherwise puzzling silence of the government's Radical supporters. It is marked "very private," and dated April fifteenth.

" 'It is our intention to adopt a mode of procedure in regard to financial matters this year, which, among other advantages, will tend materially to prevent a recurrence by the Lords to the great operation of 1860. But I most earnestly hope that nothing will be said today which can put upon it an invidious construction. I would indeed hope more than this; namely, that, if we do what is right and effectual, we should all through say the very least possible about it. All, however, that I venture to say for today is that you will use your influence, or if need be give an example, in favour of treating this part of the subject today with an absolute forbearance.' " [57]

[54] *Ibid.*, II, 39.

[55] *Gladstone and Palmerston,* being the Correspondence of Lord Palmerston with Mr. Gladstone, *1851–1865,* edited by Philip Guedalla (New York, 1928), pp. 166–167. Cited hereafter as *Palmerston Papers.*

[56] *Hansard,* third series, CLXII, 602.

[57] Trevelyan, *Life of John Bright,* p. 274.

In the subsequent discussions it came in for a full measure of attack from the Tory benches. Mr. Bentinck declared Gladstone's motive was

"to defy, not to say insult, the other branch of the Legislature. . . . He was at a loss to understand, if that was not the object, on what ground it was that the right Hon. Gentleman proposed to depart from the course adopted last year, and embody the whole of his measures in one Bill in order to debar another portion of the Legislature from dealing with it."

He admitted that there were precedents for such a course, but considered them few and exceptional.[58] Mr. Whiteside thought the course adopted was solely in order to permit of "tacking" the paper duty repeal to the general financial measures of the year; and quoted Macaulay and Hallam in condemnation of "tacks." [59] As the real object of paper duty repeal was to make possible a cheap press, and its effect was to reduce, not to increase the revenue, there was some ground for the charge. Lord Robert Cecil declared the government's action was all of a piece with devices "by which it was proposed to wreak the vengeance and spite of the Chancellor of the Exchequer on the House of Lords—devices, he might add, more worthy of an attorney than a statesman." The warmth of Lord Robert's attack on this occasion led to sharp criticism of his language, which induced him to apologize—to the attorneys! [60] It was this perhaps that led to the saying that "there is nothing so indiscreet as a Salisbury indiscretion, unless it be the explanation of it." [61] Mr. Seymour Fitzgerald declared that the budget was framed "with a view to the state of parties in this House" and "is forced upon us because there are members of the Cabinet who desire the support of a noisy but not an uninfluential section of this House." [62]

In general the Tories concentrated their energies on the effort to secure the substitution of a reduction in tea duty for the repeal of the paper duty. Squires and "noble Lords" spoke eloquently of the superior value to the workingman of cheaper tea. Viscount Ingestre thought

"By reducing the taxes on tea and sugar they would prove themselves to be much better friends of the working classes than the honourable mem-

[58] *Hansard,* third series, CLXII, 951–52.
[59] *Ibid.,* pp. 1126–27.
[60] *Ibid.,* p. 2030.
[61] *The Liberal Platform,* London, 1895, p. 308.
[62] *Hansard,* third series, CLXII, 1066.

ber for Birmingham and other Gentlemen who advocated an extension of the franchise and many other high-sounding but illusory changes, while they neglected the opportunity of conferring solid and substantial benefits on the mass of the people. The rejection of that rash and improvident Budget would not only be advantageous to the financial position of the country, but would enable the noble Lord at the head of the Government to get rid of the President of the Board of Trade and the other most democratic and refractory members of his Cabinet." [63]

It was this effort, doubtless, which led to the exchange of notes between Derby and Palmerston, as recounted by Sir Henry Lucy. A note from Derby was brought to Palmerston on the Treasury Bench. It read: "My dear Pam, What is to be the great proposal tonight? Is it to be Tea and Turn-out?" Palmerston reached for a sheet of paper and wrote back: "My dear Derby, you are quite wrong. It is not Tea and Turn-out; it is to be Paper and Stationary." [64]

The effort to substitute tea for paper failed, and Gladstone carried the day. Conservatives resented the inclusion of all the financial proposals in one measure, because of the humiliation of the Lords which it entailed; but many of them, as Walpole, Heathcote and Stanley, thought it constitutional; while Sir James Graham pointed out that "Up with the Lords and down with the Commons" was a poor cry for the hustings.[65]

In the Lords, the duke of Rutland moved the rejection of the budget, but was persuaded by Derby to withdraw his motion. While still stoutly maintaining the right of the Lords either to amend or reject money bills, and objecting to the inclusion of paper duty repeal in the budget, Derby apparently thought discretion the better part of valor, and declined to continue the fight.[66] Thereafter Tories as well as Whigs adopted the plan of the single bill for their financial measures and the claim of the House of Lords to a share in financial legislation was not reasserted for another fifty years.

Turning to an examination of the Lords' legislative record during the years 1846 and 1867, it may be well to keep three questions in mind. First, were the Lords more or less inclined than the Commons to let their personal interests determine their votes? Second, how far did their action in office tally with their professions in opposi-

[63] *Ibid.*, pp. 1102–1103.

[64] H. W. Lucy, *Memories of Eight Parliaments* (New York, 1908), p. 211.

[65] William Flavelle Monypenny and George Earle Buckle, *The Life of Benjamin Disraeli, Earl of Beaconsfield,* 6 v. (New York, 1916), IV, 296–297.

[66] *Hansard,* third series, CLXIII, 704 f. and 710 f.

tion? And third, to what extent did the opposition of the Lords save the country from rash and ill-considered legislation?

Compare, for instance, the record of Lords and Commons in regard to legislation for the regulation of factories and mines. So far as factories were concerned, the Lords had no personal interest in the matter; and, after 1818, when they rejected a bill limiting children's work to eleven hours, they passed without important amendments all the factory bills sent them by the Commons.[67] The passage of factory bills by the House of Commons, where the manufacturers were strongly represented, is generally accounted for by the pressure of the landed classes, led by "Young England" Tories. There is much truth in this. Factory legislation owed much to Ashley, and his efforts were supported by Bentinck and Lord John Manners and Disraeli, although the last never spoke in favor of a factory bill until 1850.[68] But to give the Tories and the landed class all the credit for the factory acts would be just as false as to deny that they were strongly opposed by Bright and other manufacturers. As a matter of fact, factory legislation was initiated by two manufacturers, the elder Sir Robert Peel and Robert Owen; and the Acts of 1833, 1844 and 1847 owed much to the personal and financial support of John Fielden and John Wood, both manufacturers.[69] Moreover, so far as government support was concerned, Ashley and Fielden received much more help from Lord John Russell and the Whigs than from Sir Robert Peel and the Tories.[70] The truth is, the opposition to factory legislation was largely the result of economic convictions derived from the orthodox political economy of the day, and these convictions were not limited to any class or any party. But another factor in the Commons' acceptance of factory legislation was the pressure brought to bear on members by their constituents. There is no question of the important rôle played by the agitation out of doors in persuading successive governments to pass factory legislation.

The importance of this factor is seen more clearly in the attitude toward legislation affecting mines. The regulation of mines touched the pockets of landlords, who drew royalties on their output. Ash-

[67] J. L. and Barbara Hammond, *Lord Shaftesbury,* second edition (London, 1923), p. 11.

[68] *Ibid.,* p. 100.

[69] *Ibid.,* pp. 10–13.

[70] *Ibid.,* cc. viii and ix. Cf. *Peel Papers,* III, 147–148; and Walpole, *Life of Lord John Russell,* I, 455.

ley's Mines Act of 1842 was based on the report of a royal commission. The evidence presented in the report was so startling, and showed so overwhelmingly the need for legislation, that in spite of the presence of Lambton, Ainsworth and other coal-owners, it passed the House of Commons practically unaltered. Although in the Commons the government had promised support, when it reached the Lords, Lord Wharncliffe announced the government would be passive. In committee, the coal-owners, led by Lord Londonderry, amended the bill so as to admit boys at ten instead of thirteen years of age, and removed the restriction on the hours of work of boys; restored the eight-year apprenticeship; removed the security against the employment of women; and struck out the provisions for inspection. Ashley said of their action:

"never have I seen such a display of selfishness, frigidity to every human sentiment, such ready and happy self-delusion." [71]

Thanks to public horror at the conditions disclosed in the commission's report, even a Tory government did not dare oppose the bill; but by accepting the Lords' amendments, it saved the coal-owners from more drastic regulation. Palmerston, like Ashley, was indignant at the mutilation of the measure, and taunted the government with their subserviency to the Lords.[72]

When experience of the act in operation showed the need for the inspection provisions struck out by the Lords, agitation was begun by the miners' unions to secure an amending act. Such a measure, providing for inspection of mines and machinery and requiring the submission by owners of plans of their workings, was introduced by Lord Carlisle for Russell's government in 1850. Scientific inquiry into the circumstances of recent mining accidents helped to carry the bill in spite of the opposition by Lords Londonderry and Lonsdale. In the Commons, when Disraeli protested against the measure as "seriously injurious" to coal-owners, "he was answered by a coal-owner, who reminded him that 2,000 persons lost their lives every year, and declared that two-thirds of the coal-owners approved of the Bill." [73]

Some there were in both Houses who voted as justice and conscience dictated, regardless of personal interest. There were others

[71] Hammond. *Lord Shaftesbury,* p. 80.

[72] *Annual Register,* 1842, History, pp. 172–175; and Hammond, *op. cit.,* pp. 75–79.

[73] Hammond, *op. cit.,* p. 83.

who let their interest influence their votes unless restrained by public opinion or the pressure of their constituents. But public opinion was often somnolent, and the House of Lords had no constituents.

Turning to another field of legislation, it appears that the Irish tenant fared worse than the British miner at the hands of the Lords. In 1842 a bill introduced by Mr. Sharman Crawford, himself an Irish landlord, led to the appointment of the Devon Commission to inquire into the condition of the Irish tenant. Although the commission included landlords from the four provinces of Ireland, its report fully confirmed the need for action and recommended the passage of a law requiring landlords to compensate tenants for unexhausted improvements.[74] A bill based on the commission's report was introduced in the House of Lords by Lord Stanley in 1845. It passed a second reading by a vote of 48 to 34, but twenty-one Irish peers signed a protest against it, and so many amendments were moved in committee that the government withdrew the bill, promising to introduce another the following session.[75] The following year Lord Lincoln introduced on behalf of the government three bills dealing with relations between landlord and tenant. Sharman Crawford promised his support, though he hoped to improve them, and other Irish members spoke in a similar vein; but it was June 11 when the bills were introduced, and they had not progressed beyond first reading when Peel's government fell on June 25.[76] In 1847, resolutions were presented in both Houses urging legislation for the relief of tenants, but while the government promised to deal with the matter, no bill was produced, and Mr. Crawford then introduced one of his own which made no progress.[77] The bill introduced by Sir William Somerville, Secretary for Ireland, in 1848 was opposed by Crawford as inadequate and dropped. Crawford's own bill was then revived, but without success.[78] Two bills were, indeed, passed by both Houses in 1850 and 1851. The first, which passed the House of Lords without discussion at any stage, was characterized by Crawford as a bill "to facilitate extermination." It aimed at simplifying the processes of ejectment and distress.[79] The bill of 1851 made minor changes in the regulations regarding termination of tenancy,

[74] *Hansard,* third series, LXXXI, 1132.
[75] *Ibid.,* pp. 1150–1152; and LXXXII, 493.
[76] *Ibid.,* LXXXVII, 279 f. and 374.
[77] *Ibid.,* LXXXIX, 1157–1170; XCII, 55–57; 299–304.
[78] *Ibid.,* XCVI, 673; XCVII; 311, 1342.
[79] *Ibid.,* CXII, 1, 596, 1439; CXIII, 944.

but left untouched the question of compensation for improvements.

Meanwhile, in Ireland, thanks to the famine of 1846–47 and the resulting arrears of rent, wholesale clearances of estates had taken place. The Encumbered Estates Act was passed in 1848 in the hope of improving conditions by allowing bankrupt landlords to sell their estates. Actually it aggravated the evil by replacing the old landlords by strangers having no relation to their tenants but the cash nexus. As a result of the government's failure to take action, a popular movement developed in the attempt to force its hand. At a Tenant Right Convention held in Dublin in August, 1851, resolutions were unanimously passed in favor of the "three F's": Fair Rent, Fixity of Tenure, and Free Sale of the tenant's interest. In the election of 1852, the majority of Irish members, who held the balance of power between Whigs and Tories, were pledged to tenant right legislation. To secure Irish support, Mr. Napier, Attorney General for Ireland in Lord Derby's government, brought in four bills dealing with Irish land and the relations between landlord and tenant.[80] The measures alarmed some of the government's followers in the Lords, and when Lord Derby denied in answer to their questions that he intended to support them, the Irish members in the Commons turned out his government on its budget.[81] The bills were taken up by Lord Aberdeen's government and finally passed the House of Commons in the session of 1853. In the House of Lords, Lord Aberdeen agreed that owing to the lateness of the session, they would be dropped after second reading and reintroduced at the opening of the following session.[82] This was done, and the bills were read the first time on the opening day of the session of 1854. When Lord Donoughmore, an improving Irish landlord, moved their second reading in February, he declared in regard to the Tenants' Compensation Bill "that every public man in every Government and in every Opposition had for the last seven or eight years admitted that such a measure was required." [83] In spite of this statement, the select committee to which the bills were referred, and of which the duke of Argyll was chairman, reported adversely to the Tenants' Compensation Bill, which was consequently dropped.[84] The Landlord and Tenant Bill and the

[80] *Ibid.*, CXXIII, 305.
[81] Lord Eversley, *Gladstone and Ireland,* The Irish Policy of Parliament from 1850–1894 (London, 1912), p. 7.
[82] *Hansard,* third series, CXXIX, 1533–1534.
[83] *Ibid.*, CXXXI, 15.
[84] *Ibid.*, CXXXIII, 517.

Leasing Powers (Ireland) Bill passed the House of Lords, but were so far from satisfying the demands of Irish members, who declared them worse than nothing, that they were rejected in the House of Commons.[85] The government was warmly criticized for dropping the Tenants' Compensation Bill, the only one of the measures which benefited the tenant. It was declared that the measure had been rejected in the House of Lords when only twenty-five peers were present, twelve of whom were Irish landlords.[86]

Lord Eversley declares that the failure of the Irish to secure from Aberdeen's government the measures they desired was due to the treason of their own representatives.

> "It soon transpired that the Irish Brigade had sold itself to Lord Aberdeen. Its leading members took office. Sadleir became Lord of the Treasury, William Keogh was Irish Solicitor-General, Edmond O'Flaherty was Commissioner of Income Tax, and so on." [87]

Such a transaction was equally discreditable to the briber and the bribed.

The failure to deal with the acknowledged evils of the Irish situation resulted in continued clearances and consequent emigration, amounting to 1,551,000 between 1849–60, and 867,000 between 1860–70, without counting those who went to English towns.[88] It was this wholesale emigration which accounted for the revival of the Irish question in a new form after 1866, when parliament yielded to Fenian outrages measures denied to the legitimate demand of Irish members. Landlords still formed the majority in the House of Commons as well as in the House of Lords, and many of them were Irish landlords, yet the House of Commons—grudgingly, to be sure —had passed the measures demanded by the Irish constituencies and recommended by the Devon Commission. Their rejection by the House of Lords could hardly fail to impress many people in Ireland with the disadvantages of a House whose members were not responsible to any constituency.

The exclusive privileges of the Established Church were defended almost as stubbornly by the Lords as the rights of landlords. The rejection, between 1833 and 1852, of six bills to admit Jews to parliament, which had passed the House of Commons, has already

[85] *Ibid.*, CXXXV, 34 f.
[86] *Ibid.*, p. 35.
[87] Eversley, *op. cit.*, p. 7.
[88] *Ibid.*, p. 10.

been referred to. Their acceptance from Lord Lyndhurst in 1845 of a bill to admit Jews to municipal offices made their stand in regard to their exclusion from parliament seem inconsistent.[89] The question was made more urgent by the election of Baron Rothschild as member for the city of London in 1847, and of Mr. Solomons in 1851. Lord John Russell carried bills for their relief through the House of Commons in 1853 and again in 1857 and 1858, each time to be rejected in the Lords. On the last occasion, Lord Lyndhurst strongly advised the Lords to accept the measure, declaring that while he considered it

"a most important part of our duty to check the inconsiderate, rash, hasty, and undigested legislation of the other House; to give time for consideration; and for consulting, and perhaps modifying the opinions of the constituencies; but I never understood, nor could such a principle be acted upon, that we were to make a firm, determined and persevering stand against the opinion of the other House of Parliament, when that opinion is backed by the opinion of the people; and least of all, on questions affecting, in a certain degree, the constitution of that House and popular rights. If we do make such a stand, we ought to take care that we stand on a rock and we ought to be cautious not to place ourselves in such a position when we have nothing to rely on but the fragment of an Act of Parliament diverted from its original purpose to one it was never intended to apply to." [90]

In spite of this sage counsel, the Lords so amended the bill, which modified the oath to be taken by all members, as to exclude the Jews from its operation. When the bill returned to the House of Commons, Baron Rothschild, who had been five times reëlected by the city of London, was named a member of the committee to confer with the Lords on their amendments. To extricate itself from this embarrassment, the House of Lords accepted a bill introduced by Lord Lucan permitting either House at its discretion to amend the form of oath required of its members. The House of Commons finally accepted this compromise, and immediately amended its oath so as to admit Baron Rothschild, who was thus allowed to take his seat after a ten years' wait.[91] It is noteworthy that this concession finally wrung from the Lords after twenty-five years' opposition was won when the Tories were in office with a minority in the House of Commons. A few years later, in 1866, an act of parliament pro-

[89] *Hansard*, third series, LXXVIII, 886.
[90] *Ibid.*, CXLIX, 1770–1771.
[91] *Ibid.*, CLI, 1891–1906.

moted primarily to relieve Roman Catholics, by omitting from the oath the phrase "on the true faith of a Christian," made Jews eligible to the House of Lords.[92]

The efforts to remove the restriction imposed by religious tests at the Universities were even more protracted. The first bill for the purpose passed the House of Commons by a large majority in 1834, supported by the government of Lord Grey; but was summarily rejected by the Lords.[93] No further action was taken until 1850, when Mr. Heywood's motion for an inquiry into the need for reform at Oxford and Cambridge led to the appointment of a royal commission which reported in 1852. Two years later, when Gladstone introduced for the government a bill for the reform of Oxford based on the commission's report, the House of Commons succeeded in amending it so as to admit dissenters to the B.A. degree, but not to fellowships and professorships.[94] In 1856, the government's bill for the reform of Cambridge was amended to admit Dissenters to both the B.A. and the M.A. degrees, and would have admitted them to the Senate as well but for Lyndhurst's amendment in the House of Lords.[95] Attempts to put Oxford on a parity with Cambridge failed annually in the House of Commons from 1863 to 1866, and nothing further was accomplished until Gladstone became prime minister.

The movement for the abolition of Church rates began immediately after the abolition of the Church cess in Ireland in 1834. John Bright was a constant advocate of the measure and made many speeches on the subject in the House of Commons. The census of 1851, which for the first time indicated the religious position of the people, strengthened the case for the abolitionists by showing that the Dissenters constituted nearly two-thirds of the population. In 1853 a Society for the Liberation of Religion from State Patronage and Control was organized and in 1855 an electoral committee was formed under Samuel Morley, a Dissenting manufacturer of Nottingham, to secure the election of candidates pledged to electoral, administrative and fiscal reform, and the liberation of religion. The effects of this more independent policy on the part of Dissenters were first felt in the election of 1857.[96] The following year Sir William Clay's bill for the abolition of Church rates passed the House of Commons by a majority of 63, supported by

[92] *Ibid.*, CLXXXI, 1721–1725.
[93] *Annual Register*, 1834, History, pp. 173–205.
[94] *Hansard*, third series, CXXXIV, 884–891.
[95] *Ibid.*, CXLIII, 310.
[96] Gillespie, *op. cit.*, p. 129.

Lord Palmerston and the whole government. It was thrown out in the Lords by a majority of 151.[97] A similar bill met the same fate in the Lords in 1860. In presenting his bill in 1866, Mr. Hardcastle declared there had been thirty-six attempts to settle the matter, and twenty divisions taken on it. It was opposed by Derby's government and rejected in the House of Commons.[98] Revived the following year, Hardcastle's bill passed the House of Commons but was rejected by the Lords. In 1868, Disraeli's government, in a minority in the House of Commons, accepted Gladstone's bill prohibiting suits for the collection of Church rates. As this abolished the compulsory feature of the rates, which was the basis of the Dissenters' objection, they were satisfied with this compromise, and the Lords accepted it from a Conservative government. The debates in the Lords make it plain that they were yielding from expediency, not conviction. The archbishop of Canterbury said, in view of the government's announcement, it was hopeless to oppose the bill, but to satisfy his conscience, he stated his reasons for not accepting its principle. He declared that "he could not see why, in such a case as this, they should yield to agitation that which they had declined to concede to reason and argument." [99] Lord Derby expressed great regret that "the House of Commons should, apparently from sheer weariness upon this subject, have acquiesced in this Bill; but I confess that the large majorities by which the Bill has been passed in the other House is a ground—a sufficient ground, although the only one—to justify the Government in not opposing the present Motion." [100] The earl of Hardwicke declared that

> "this discussion showed that their Lordships were about to read a second time a Bill from which they entirely dissented. From the beginning to the end of the debate there had not been expressed the slightest approval of the Bill. . . . It was the thin end of the wedge, which was now about to be driven home hard, with the view of rendering the Church of England by degrees dependent on the voluntary system, by freeing it from the State. . . . For himself, he could not vote for the second reading of the Bill." [101]

Although the majority of the Lords evidently agreed with Lord Hardwicke, the second reading was carried without division, and the third reading passed without division and practically without de-

[97] *Hansard,* third series, CL, 1727; and CLI, 855.
[98] *Annual Register,* 1866, History, p. 72.
[99] *Hansard,* third series, CXCI, 1123–1124.
[100] *Ibid.,* p. 1124.
[101] *Ibid.,* p. 1140.

bate.[102] In such fashion did the Lords proclaim their independence when a Conservative government was in office.

The records of the period are searched in vain for measures defeated by the Lords in which subsequent experience bore out the wisdom of their views. Their value in checking "the inconsiderate, rash, hasty, and undigested legislation of the other House"—to use Lyndhurst's phrase—proves on examination to be largely negative. Probably it would be conceded by all sides that no more ill-considered and unsuccessful measures received the approval of the House of Commons during this period than the Encumbered Estates Act of 1848 and the Ecclesiastical Titles Act of 1851. Although both were presented by Whig governments, against which the Lords possessed a large majority, they both received the approval of the Upper House. Their acceptance of Corn Law repeal and the first Reform Act, the two measures of the period which were backed by a determined popular demand, showed that in such cases the Lords were powerless to resist. As Bagehot said:

"The common notion evidently fails, that it is a bulwark against imminent revolution. . . . The two cases—that of the Reform Act and the Corn Laws—were decisive cases. The great majority of the Lords thought Reform revolution, Free-trade confiscation, and the two together ruin. If they could ever have been trusted to resist the people, they would then have resisted. . . . There is no strength in it for that purpose. Such a body has no force to put down the nation, and if the nation will have it do something it must do it.

"The very nature, too, as has been seen, of the Lords in the English Constitution, shows that it cannot stop revolution. The Constitution contains an exceptional provision to prevent its stopping it. The executive, the appointee of the popular chamber and the nation, can make new peers, and so create a majority in the peers; it can say to the Lords, 'Use the powers of your House as we like, or you shall not use them at all. We will find others to use them; your virtue shall go out of you if it is not used as we like, and stopped when we please.' An assembly under such a threat cannot arrest, and could not be intended to arrest, a determined and insisting executive."[103]

But obviously the creation of peers to coerce the Lords is not practicable in the case of minor measures which do not excite great popular interest. In such cases the obstructive power of the Lords is unlimited, as appears from their long-continued opposition to such meas-

[102] *Ibid.*, p. 1146; and CXCIII, 1101.
[103] Bagehot, *English Constitution*, pp. 172–173.

ures as the removal of Jewish disabilities, the abolition of Church rates or the reform of Irish land tenure, in defiance of repeated House of Commons majorities. When, as happened in several instances, they accepted from Tory ministries what they had rejected repeatedly from Whig ministries, the result was to weaken their position by destroying their claim to independence and impartiality.

As Morley and others have pointed out, none of the major changes of the period, from Catholic Emancipation to the second Reform Act, had been carried through parliament without the pressure of agitation out of doors.[104] What was true of Catholic Emancipation, Corn Law repeal and parliamentary reform was true also of the abolition of slavery, factory acts and other humanitarian legislation. When even the House of Commons lagged so far behind the reforming spirit of the nation, and had to be coerced into doing its bidding, there was, perhaps, less indignation felt with the Lords for being still more reactionary. On many occasions the resentment felt at the Lords' obstruction was limited to a particular group and did not give rise to any united, national indignation, which might have led to organic changes. The record of the Lords in regard to such legislation is nevertheless important. When the day of reckoning finally came, the resentment rankling in the breasts of the Dissenter, the Irish tenant and the trade unionist played its part in the framing of the long indictment against the House of Lords.

The third important question to consider in connection with the period between 1846 and 1867 is the movement which culminated in the second Reform Act. On the whole, the first Reform Act had had a less disastrous effect on the relations between the Houses than either Tories or Radicals had anticipated. To the surprise of both friends and foes of reform, the aristocracy found itself the predominant power in politics after 1832, as before. Mr. Crawford, in introducing a resolution for further reform in 1842, summarized his statement in regard to the membership of the House as follows:

"Members elected by the influence of patrons in boroughs	107
County members of England, Wales, and Scotland, elected by the influence of the aristocracy	194
Half of the Irish county members elected by similar influence	32
Total	333

[104] Morley *op. cit.*, II, 227.

He added that "there are in this Parliament 144 brothers and sons of Peers, and 97 Baronets and Knights and their sons."[105] When Peel reorganized his ministry after the resignation of the Protectionists in December, 1845, four of the new members were defeated in the elections required on taking office through the influence of Protectionist dukes. The duke of Newcastle turned out Gladstone from his borough of Newark and his own son, Lord Lincoln, from South Nottinghamshire. The latter was elected three months later at Falkirk through the influence of his father-in-law, the duke of Hamilton. Lord Arthur Lennox was forced to resign from Chichester, a borough controlled by his brother, the duke of Richmond, who put in his son. The duke of Buckingham demanded the resignation of Sir Thomas Fremantle from his borough of Buckingham and replaced him by his heir, Lord Chandos. Sir Frederick Thesiger, on his promotion to the attorney-generalship was defeated for reëlection in the duke of Marlborough's borough of Woodstock by the duke's heir, the marquess of Blandford. Displeased by his son's vote on the Maynooth grant, the duke replaced him for a year by Viscount Loftus, who did not return from abroad to take his seat; and then by his younger son, Lord Alfred Churchhill. It appeared that dukes, at least, could still do what they would with their own. On February 19, 1846, a motion for a Committee of Privileges to inquire into these proceedings was opposed by the government and defeated.[106]

But the fact that they had fared better than they dared to hope under the Act of 1832 did not make the aristocracy any readier to accept further change. They were convinced that it must prove fatal to their influence, destroy the balance of the constitution—another way of saying the same thing—and endanger property. The last of these convictions was shared by many of the wealthy manufacturers who had come into the House since 1832, and who evinced strongly the tendency remarked by Bagehot of new wealth to combine with old wealth. The methods used in advocating the Charter and Corn Law repeal stiffened the opposition of the aristocracy to any extension of the franchise. Radicals became in their eyes demagogues to whom any baseness might justly be imputed. The frenzied hatred of aristocrat for Radical portrayed in *Beauchamp's Career* would seem overdrawn but for the fact that Ashley could describe John Bright as

[105] *Hansard,* third series, LXII, 907 f.

[106] *Ibid.,* LXXXIII, 1167–1188; and Walpole, *History of England from the Conclusion of the Great War,* IV, 269–270.

"a person who is almost unfitted by his manners for educated society, and of whom I never heard it proved that he was either honest or humane." [107] Fear of impending changes increased the tendency, noticeable as far back as the election of 1837, for conservatives of both parties to unite in defense of the political *status quo*. It was only this combined action in face of the common danger—democracy—which enabled the governing classes to hold out so long against the assaults of an active Radical minority in parliament and the increasingly urgent demand out of doors.

The disappointment of the Radicals and the workingmen was proportionate to the relief of the aristocracy. The former, through the agitation of the Anti-Corn Law League, had secured the repeal of the Corn Laws; but they still found themselves a long way from the goal of middle-class liberalism and efficiency at which they aimed. They desired not only the completion of free trade, but a press freed from restrictions, a reapportionment of taxation, and a reorganization of the public services for the sake of efficiency and economy. Thanks to the break-up of parties in the House, and the coöperation of Gladstone, whose economics were of the Manchester brand, the Radicals had been able to realize many of their desires before 1867. Free trade and a free press were secured, the succession duty of 1853 went some way to equalize the tax burden as between land and industry; Gladstone's administrative reforms at the exchequer were all in the right direction; and the institution of competitive examinations for civil service appointments was a first step toward the overthrow of the system of aristocratic patronage which sapped the efficiency of the services, and made economy impossible. These changes represented, from the Radical standpoint, substantial gains. But when it came to questions of national education, religious equality, or land reform, they became convinced that no further progress was to be made under the existing franchise. As Bright said apropos of Irish land legislation in 1852:

"The question was, could the cats wisely and judiciously legislate for the mice? He did not believe it." [108]

And so, to the earlier demand for peace and retrenchment, the Radicals added further reform of parliament.

The working class had even more reason for dissatisfaction with

[107] *Peel Papers*, III, 180.
[108] *Hansard*, third series, CXIX, 367.

the Reform Act. In many places almost excluded from the franchise, and everywhere forming only a small minority of the electorate, they found themselves little better off than before 1832. The combined efforts of humanitarians of all classes and parties had secured improvement in the working conditions of some industries through the operation of factory and mines acts. A feeble beginning in the direction of sanitary reform had been made through the Public Health Act. And Ashley's act of 1851 for the licensing and inspection of common lodging houses attacked one small corner of the great housing problem. Indirectly the workingman benefited from the extension of education, scanty though it was both in quantity and quality. He benefited also from the prosperity which, in general, prevailed in industry in the third quarter of the century. But these meager blessings were far from making the workingman satisfied with his lot, or convincing him that his views were adequately represented at Westminster.

When the effort for the Charter failed, most of the workingmen turned to coöperation and trade unionism to improve their condition. But their indifference to politics in the next two decades has generally been overestimated, as has been shown in a recent study of the period. The textile workers and the miners, convinced that improvement in hours and conditions of work could best be secured by legislative enactment, clung throughout to political methods. And the unions which set out to eschew politics were soon forced back upon political methods because of the war waged by employers on trade unionism.[109]

Had these two groups, the middle-class Radicals, and the trade unionists, combined their efforts, the extension of the franchise could not long have been withheld. But such coöperation was difficult. The Radicals antagonized the workingmen by their opposition to factory and mines acts, their pacifism, and their *laissez-faire* commercialism applied to international affairs. The moderate reform which most of the Radicals advocated left the workingmen cold: they were not to be drawn again into agitation for anything short of manhood suffrage. On the other hand, Radicals were alarmed by the economic heresies of the workingmen; many of them were hostile to trade unionism; and many more feared such an extension of the franchise as would place workingmen in the majority. Efforts to bring about coöperation were made as early as 1848, Bright being the most deter-

[109] Gillespie, *Labor and Politics in England,* 1850–1867, pp. 47–49.

mined advocate of it. Various organizations were formed to unite the efforts of the two groups for political and financial reform, for the repeal of the taxes on knowledge, and so forth, but mutual jealousy and distrust hampered their efforts, and soon led to their breakdown.

The favorable position of the Radical party in parliament, holding the balance between Whigs and Tories, enabled them to keep the question of reform before the House. Hume's motion for household suffrage became a parliamentary annual after 1848. In 1850, Lord John Russell admitted that he favored some extension of the franchise, but when the question was brought before the cabinet he met with no encouragement.[110] The following year he countered Mr. Locke King's bill to equalize the county and borough franchise with an assurance of his intention to deal with the question himself the following year.[111] Again the cabinet was opposed, but in spite of their opposition, he introduced a Reform Bill in 1852, in which he proposed to extend the franchise in boroughs to five-pound householders and in counties to twenty-pound occupiers, and to all persons paying forty shillings a year in direct taxation.[112] The bill met with no success, arousing little enthusiasm in the House and none out of doors. In 1854, thanks to Radical pressure, Russell brought in a slightly more ambitious bill. It contained the "fancy franchises," as Bright called them, copied by Disraeli in his bill of 1859. Bright thought its redistribution features inadequate, while Palmerston and others on the government side thought they went too far. After numerous postponements, the bill was finally dropped on the outbreak of the Crimean War.

Contrary to the expectations of Cobden and Bright, the war hastened the coming of democracy. The proved incompetence of the aristocracy in the prosecution of the war did much to discredit a régime in which they controlled the government in legislative, executive and administrative branches, and furnished the officers for the army and navy. The exposures of Dr. Russell, the *Times* war correspondent, played no small part in bringing their shortcomings to light.

But if the exposure of "aristocratic ineptitude" helped the cause of democracy, another result of the war was to estrange Bright and his

[110] Walpole, *Life of Lord John Russell,* II, 102–103.

[111] *Ibid.,* p. 122.

[112] Sir Spencer Walpole, *History of Twenty-five Years,* 4 v. (London, 1904–1908), I, 184 f.

pacifist colleagues from the workingmen. In the election of 1857, the Radicals, assailed by workingmen on one side because of their pacifism and by a coalition of Tories with Palmerstonian Whigs on the other because of their advocacy of reform, lost several seats. Bright was defeated in Manchester, and found a seat shortly after in Birmingham.[113] His migration to Birmingham ultimately brought him into closer touch with the workingmen, but he was not yet fully trusted.

When Palmerston was replaced by Derby and Disraeli in 1858, Bright thought the time auspicious for a reform agitation. For one thing, he feared a coalition of Whigs and Tories to pass an inadequate bill; for another, there was reason to hope that the Tories might be forced into producing a better bill for the sake of keeping in office. Moreover a period of trade depression had produced unemployment with its usual result of stimulating working-class interest in reform.[114] Bright's campaign opened in the autumn of 1858 with a speech in Birmingham. Such popular interest was felt in regard to this speech that the London papers engaged a special engine to bring a *verbatim* report to town in time for publication in the morning issues.[115] In this speech Bright declared that five out of every six men in Great Britain were without votes; while changes in population had given rise to a whole new group of rotten boroughs.[116] Bright's speech at Birmingham was followed by numerous others in the course of the next two months in Manchester, Edinburgh, Glasgow and Bradford. In January a group of Radical reformers drew up an address to "the people of Great Britain and Ireland," which was signed by thirty-one members of parliament. The tone of the address was not calculated to soothe the susceptibilities of aristocrats.

"Fellow-countrymen,—Her Majesty's Government have led you to expect that they will lay before Parliament next session a Bill for the Reform of the House of Commons. . . . That the promise may not be illusory, it behooves you to make known the sense in which you will accept it.

"You seek parliamentary reform in order to insure ministerial responsibility. No measure failing this would answer your intent. Have you a right to anticipate that with this end in view, Government will spontaneously offer what you will be satisfied to receive? If disposed to help you, they

[113] Trevelyan, *Life of John Bright*, pp. 258–259 and 261.
[114] Gillespie, *op. cit.*, p. 149.
[115] *The Weekly Chronicle and Register*, London, Oct. 30, 1858.
[116] *Speeches on Questions of Public Policy by the Right Honourable John Bright, M. P.*, edited by J. E. Thorold Rogers (London, 1869), p. 281 f.

will be glad of your instructions—if indisposed, it were well to let them know your demands. In any case, you are called upon to say what will content you—or your silence will surely be construed into a lack of interest in the subject." [117]

The address recommended household suffrage in the boroughs and a ten-pound occupation franchise in the counties, ballot, abolition of the property qualification, triennial parliaments, and a radical redistribution of seats. These recommendations were embodied in a bill introduced by Bright in 1858. It was opposed by the government and defeated; but one of its features, the abolition of the property qualifications for members, was carried in that year.[118]

Bright's bill was far too moderate to satisfy the workingmen, who began agitation for manhood suffrage. Under the lead of Ernest Jones, the Chartist, a Political Reform Union was organized in London in 1859 for that purpose, and similar associations were formed throughout the country which carried on active agitation during 1859 and 1860. But they gave no support to Disraeli's bill of 1859, which Bright characterized as a "country-gentleman's bill." Sir Spencer Walpole has disclosed the fact that the bill was based upon confidential inquiries made by Lord Derby from great territorial magnates to ascertain the effect upon the influence of property of thirty pounds, twenty pounds, or ten pounds as the basis of the county franchise. Its provisions actually decreased working-class influence in the counties; and the provision of voting papers, facilitating plural voting, was particularly obnoxious.[119] Radicals as well as workingmen opposed the bill, and Derby's government was defeated on its second reading and dissolved parliament. An editorial in the *Times* predicted that if Derby secured a majority in the election

"pledged, and pledging him, against whatever he may call revolutionary Reform, sure as fate, there will be such a new organization as we have described. It is the majority that Mr. Disraeli desires, and which he professes to expect the people will give him. *It would ruin Lord Derby, and make Mr. Bright Prime Minister.*" [120]

The Conservatives were defeated in the elections, and Palmerston again became prime minister, receiving a promise of Radical support on condition that his government should maintain neutrality in Italy

[117] *The Weekly Chronicle and Register,* London, Jan. 9, 1858, p. 5.
[118] *Annual Register,* 1858, pp. 202–204.
[119] *History of Twenty-five Years,* I, 187–188, and note, p. 188.
[120] London *Times,* April 6, 1859, p. 8.

and introduce a reform bill. As rewards for their support, seats in the cabinet were offered to Cobden and Milner Gibson, the former declining, the latter accepting. Bright was excluded because of his recent speeches on reform, and when Palmerston wished to console him with a Privy Councillorship, the Queen objected on the ground that

> "It would be impossible to allege any service Mr. Bright has rendered, and if the honour were looked upon as a reward for his systematic attacks upon the institutions of the country, a very erroneous impression might be produced as to the feeling which the Queen or her Government entertain towards these institutions." [121]

The bill brought in by Russell in 1860 provided for a six-pound-rating franchise in boroughs and a ten-pound franchise in the counties, with redistribution affecting only twenty-five seats. Unsatisfactory to the Radicals and indifferently supported by the government, it was withdrawn at the end of three months.[122] Following the withdrawal of Russell's bill no further steps toward reform were taken by parliament while Palmerston remained in office. Supported by an alliance with the Tories, suspected at the time and since revealed in Malmesbury's *Diary* and the Queen's *Letters,* Palmerston became the director of a conservative coalition for the maintenance of the *status quo.*[123]

Those who interpreted popular indifference to Russell's bill as indifference to reform were wide of the mark. The years between 1860 and 1867 were characterized by increasing political activity on the part of trade unions. The strike and lockout of the London building trades brought about the formation of Trades Councils in London and other industrial centers to defend trade union interests. The London Trades Council, dominated by an able group of national trade union officials known as the "Junta," became the principal agent in directing and unifying the agitation of unionists in favor of improved mining legislation, the amendment of laws affecting unions, and political reforms.[124] In 1862 the Junta took the lead in organizing the Manhood Suffrage and Vote by Ballot Association to agi-

[121] Quoted in Trevelyan, *Life of John Bright,* pp. 282–283.

[122] *Hansard,* third series, CLVI, 2050 and CLIX, 270.

[123] Malmesbury, II, 14, 16, 228; III, 94, 110–111, 116; and *Letters of Queen Victoria,* 1837–1861, III, 429.

[124] Sidney and Beatrice Webb, *The History of Trade Unionism* (London, 1911), Chapter V.

tate for reform among the trades. It continued to function until absorbed in the Reform League in 1865.[125]

The activities of the Junta were not limited to domestic affairs. Indeed in the next few years foreign affairs played a large part both in developing the political consciousness of the British workingmen, and in reconciling the conservative classes to the inevitable reform. In the American Civil War the upper classes in England generally sided with the South, a fact which Motley attributed to "their hatred, not to America so much as to democracy in England"; and which led Charles Francis Adams to predict that victory for the North would make John Bright "the most powerful man in England." [126] The sympathies of the British workingmen were with the North, despite the sufferings of many of them from the cotton famine. This had two important consequences. It brought about for the first time wholehearted coöperation between Bright and the workingmen, which bore fruit in the monster demonstrations of 1866 and 1867 before which government opposition to reform melted away. And the fortitude and restraint of the Lancashire operatives during the cotton famine did much to convert Gladstone to the enfranchisement of the working-classes. The generous sympathies of the workingmen were not confined to America. A Trades Garibaldi Committee was organized in 1862 to collect funds for demonstrations of protest against French occupation of Rome; and when Garibaldi came to London in 1864, the London Trades Council organized a gigantic demonstration of welcome. The prospect of similar demonstrations in the thirty towns from which he had accepted invitations so alarmed the government that they prevailed upon their distinguished guest to cancel his tour.[127]

A common zeal for Italian liberty increased the sympathy between Gladstone and the workingmen. And when in answer to a motion for reform in the House of Commons in May, 1864, he said,

"I venture to say that every man who is not presumably incapacitated by some consideration of personal unfitness or of political danger, is morally entitled to come within the pale of the constitution,"

[125] Gillespie, *op. cit.*, pp. 211–213.

[126] Trevelyan, *Life of John Bright*, pp. 303–304. So nearly did Adams' prophecy prove true that the *Saturday Review*, which always opposed Bright, declared in 1866 that "Mr. Bright governs although he does not reign." *Ibid.*, p. 346.

[127] Gillespie, *op. cit.*, pp. 217–219. Great indignation was felt at the cancellation of the tour. Workingmen blamed the government's action on French influence. It was at this time that a riot in connection with a Garibaldi demonstration led to the prohibition of political meetings in parks.

he might be condemned by Disraeli for his "dangerous lunacy," but he was hailed by the workingmen as their coming leader.[128] Palmerston reproved his colleague for what he declared to be

> "more like the Sort of Speech with which Bright would have introduced the Reform Bill which he would like to propose than the Sort of Speech which might have been expected from the Treasury Bench in the present State of Things." [129]

But Palmerston's services in saving the country from reform were drawing to a close. In the election of 1865, the veteran leader received a triumphant majority, but he died suddenly in October and Russell was prime minister when the new parliament met. In the new House of Commons, John Stuart Mill, Thomas Hughes, and Fawcett were added to the Radical ranks, and Gladstone sat for Lancashire instead of Oxford.[130] In spite of these Radical gains, Lord Stanley thought the parliament of 1865 "richer and more aristocratic" and "returned at greater expense than any other which has preceded it for many years; that there are fewer adventurers and more men of substance in it; that such a House will be very averse to dissolution and will never consent to a six-pound franchise." [131]

The bill brought in by Gladstone when parliament met was more moderate than any presented by a Liberal government since 1848.[132] It proposed to lower the qualification for the borough franchise from ten pounds to seven, thus admitting about 144,000 new voters, mainly of the working-classes, but keeping the workingmen in a minority; while in the counties it was proposed to reduce the occupation franchise from fifty pounds to fourteen.[133] It fell far short of Bright's desires, but he supported it himself and persuaded the workingmen to do so because he thought it the best the government could hope to pass.

That the Queen recognized the temper of the country on the reform question, and was anxious that it should be settled without further delay is shown by the letter written to Lord Derby as leader of the opposition, in which she urged that

[128] Trevelyan, *Life of John Bright,* pp. 332–333.
[129] *Palmerston Papers,* p. 281 f.
[130] Herbert Paul, *A History of Modern England,* 5 v. (London, 1906), II, 377–379.
[131] *Later Correspondence of Lord John Russell,* II, 340.
[132] Gillespie, *op. cit.,* p. 259.
[133] Walpole, *History of Twenty-five Years,* II, 151.

"no violent or factious opposition will be pursued on this important question of Reform, which has for so many years been the cause of so much difficulty to succeeding Governments. However unpopular the question of Reform may be in itself, it is one, the calm and dispassionate discussion of which is of the utmost importance. . . .

"She does ask Lord Derby to try and use his influence with his party to treat this question not as a mere Party one, but with a view to settling it and trying to come to some agreement upon it, so that it may not become the cause of agitation and excitement in the country, the results of which might be very serious."

Lord Derby in his reply (which is summarized in a footnote to the Queen's letter)

"deprecated a change of Government at the moment," and "trusted that they [the ministers] would even now withdraw their Reform Bill for the present session. But he considered that Bill so fatal to the Constitution that he must resist it to the utmost of his ability. If a crisis came, he would do his best to facilitate the formation of a safe and constitutional Government." [134]

In view of Derby's subsequent action in regard to reform, this is a fairly amazing document to come from the leader of the "Constitutional party."

Unfortunately for the Liberal government, the opposition was not limited to Conservatives, but came in part from the Whig peers and their allies in the Lower House. Robert Lowe, "Lord Lansdowne's member for Calne," led the opposition in the Commons, seconded by Lord Grosvenor, son of the Whig duke of Westminster, and Lord Malmesbury, reported that "the Dukes of Cleveland and Sutherland, Lord Lichfield and other Whig peers" were opposed to Gladstone's bill.[135] As a result of this dual opposition, the government was beaten on June nineteenth on an amendment moved by Lord Dunkellin, and immediately resigned.[136] Lord Derby took office for the third time with a minority in the House of Commons, but those who fancied that his government could avoid reform were soon undeceived.

Reform demonstrations began on a scale unknown before. The middle-class Reform Union joined forces with the workingmen's Reform League, and throughout the summer and autumn monster meetings were addressed by Bright in all the principal industrial cities. Thanks in part to George Potter's London Working Men's

[134] *The Letters of Queen Victoria, Second Series, 1861 to 1885,* edited by George Earle Buckle, 3 v. (London, 1926–1928), I, 330 and 331, note.

[135] Malmesbury, III, 222, 223.

[136] *Ibid.,* p. 229.

Association, the London workingmen joined the agitation more whole-heartedly than before.[137] In July they marched 10,000 strong to Trafalgar Square to censure Russell for resigning instead of dissolving, and continued to Carlton House Terrace to cheer "Gladstone and Liberty." [138] A month later a demonstration in Hyde Park designed by the League to display their zeal for reform and to test the government's ruling in regard to public meetings in parks brought out such throngs that the police and the guardsmen called to their assistance were helpless before them, though aside from the overturning of the park railings, no violence was committed.[139] A sudden sharp panic in the spring of 1866, followed by bad harvests, had resulted in unemployment and high prices, and this combined with the reform agitation, served to raise before the propertied classes the specter of Chartism.[140] After the affair of the Hyde Park railings, Goldwin Smith said in a speech before the Oxford Reform League,

> "The struggle may in the end cease to be one between parties in Parliament and become one between classes, the class represented by the House of Commons on the one side, and the class represented by the trade-unions on the other. . . . The true statesman would almost rather drag the workingmen within the pale of the constitution by force than suffer them thus to organize themselves into a separate community outside it." [141]

In the winter of 1867, two events occurred which added to the workingman's determination to secure the franchise. In 1861 some small unions in Sheffield had been guilty of acts of terrorism against non-union members. The events had been widely exploited as the "Sheffield outrages," and freely used as an argument for the iniquity of unions and the unfitness of their members to receive the franchise, in spite of the fact that the acts of the Sheffield unionists had been denounced by the larger and more responsible unions. A renewal of the outrages led to the appointment in the winter of 1867 of a Trade Union Commission to investigate the unions in general and Sheffield unions in particular. The unions feared that the proceedings before the commission would be unfair, and that hostile legislation would result. Thanks to the support they received from Thomas Hughes and Frederick Harrison, who were appointed to the

[137] Gillespie, *op. cit.*, Chapter IX.
[138] Paul, *op. cit.*, III, 51.
[139] Gillespie, *op. cit.*, pp. 267–8. Order was finally restored by the League after its leaders had prevailed on Walpole to withdraw the police and the troops.
[140] Gillespie, *op. cit.*, pp. 265–6.
[141] Quoted in Gillespie, p. 269.

commission, its testimony was not unduly biased, and the unions were exonerated from the grosser charges that had commonly been brought against them. But while the issue was still in suspense, it served as an additional motive for favoring enfranchisement. About the same time, in January, 1867, the courts rendered a decision in the case of Horby *v.* Close, by virtue of which the unions found themselves excluded from the protection of the Friendly Societies Act of 1855, and without redress against absconding officials.[142] It is significant of the bearing of these events on the temper of the workingmen that "Disraeli stated later that not until January of 1867 did he become convinced of the serious nature of the reform agitation." [143]

It was distasteful enough to the Conservatives to find their own government presenting a reform bill when parliament met, but far worse was in store for them. The government proposed at first to proceed by resolutions, but the House of Commons refused to allow the ministers to escape their responsibilities in that fashion. The moderate proposals then brought in by Disraeli were completely transformed by Liberal and Radical amendments, until the bill in its final form was Bright's rather than Disraeli's. When it reached the Lords, one of the government's supporters declared that nothing remained of the original measure after the "Whereas." The bill as amended provided that in boroughs all rate-payers, and lodgers paying an annual rent of ten pounds or over, were to be admitted to the franchise. In counties the qualification was reduced from fifty pounds to twelve. Thus in both borough and county constituencies the franchise was extended beyond the proposals of Gladstone's bill of the previous year. All towns with a population under 10,000 were merged in the counties, and of the seats thus gained, nineteen were given to towns, one to the University of London, twenty-five to counties, and Liverpool, Manchester, Birmingham and Leeds each got a third member.[144] Nearly a million voters were added to the register, constituting an increase in the electorate of 88 per cent.[145]

The bill passed the House of Commons with Liberal and Radical support, the only opposition coming from Conservatives like Lord Cranborne (later Lord Salisbury), who resigned from the cabinet rather than assume responsibility for a measure which he considered

[142] Webb, *History of Trade Unionism*, pp. 242 ff.
[143] Gillespie, *op. cit.*, pp. 232–4.
[144] Monypenny and Buckle, *Disraeli*, IV, 538–43.
[145] Seymour, *Electoral Reform in England and Wales*, p. 533.

altogether inconsistent with the previous position of the Conservative party. His attacks on the bill were directed almost equally at its actual provisions and at the political morality of the government in discarding in office the principles proclaimed in opposition.[146] It was natural that the man who had written in 1858 that the "condition in the representative system which it is our duty to maintain, even at the cost of any restriction and any anomaly, is that the intellectual status of the Legislature shall not be lowered, and sufficient weight, direct or indirect, shall be given to property to secure it from the possibility of harm" should oppose a change which would make the working-classes the controlling factor in the constituencies.[147] He declared that according to the record of history, the class which held supreme control of the legislative power had never failed to use that power for its own advantage, and he doubted whether the British workingmen would prove an exception to that rule.[148] He made one very interesting prediction:

"Depend upon it, if any storm arises, if there is any question of labour against property, it will be no protection to you that you may have men who belong to the class of proprietors or the class of capitalists in this House. . . . You will see, what has been seen a hundred times, that men will rather vote against their class than peril their position with their constituents, and will care too much for their own political future to fly in the face of those who elect them. What I believe is, that the Members of Parliament who will be returned under this Bill will be wealthy men with Conservative instincts, and steeped to the lips in Radical pledges. We know from the example of this Session how much Conservative instincts will avail men who are acting under the fear that they will lose their seats . . . there is no delusion more fatal than the expectation that a represenative belonging to a particular class will not carry out, when firmly and violently demanded of him, the wishes of his constituents." [149]

Not unnaturally it was supposed that even Lord Derby would have difficulty in making household suffrage palatable to the House of Lords. He himself seems to have anticipated opposition, for a few days before the bill was sent to the Upper House, he held a meeting of Conservative peers at his house to urge that the Reform

[146] See speeches on first and third readings, *Hansard,* third series, CLXXXVI, 85; and CLXXXVIII, 1533–1539.

[147] Lord Robert Gascoigne Cecil. *The Theories of Parliamentary Reform.* Essay II in Oxford Essays, contributed by Members of the University, 1858 (London, 1858), p. 79.

[148] *Hansard,* third series, CLXXXVIII, 1533.

[149] *Hansard,* third series, CLXXXVIII, 1531.

Bill be passed as speedily and with as few alterations as possible.[150] Whether, as was rumored, Lord Derby argued that his bill would "dish the Whigs," or what other potent reasons he advanced to win the peers' support, no available record has yet disclosed; but certain it is that the House of Lords accepted with amazing docility a measure which was bound to effect great changes in the relations between the two Houses. Lord Derby admitted that he had sent for the Scotch and Irish peers for fear that Lord Grey would press his amendment to a division, and Lord Granville in his speech intimated that Lord Derby left very little discretion to his followers in the disposal of their votes:

"The noble Earl's power and influence at this moment is, I believe, paramount in this House. The noble Earl has long been at the head of the great Conservative party. At this moment I am not quite sure that he has the full allegiance of their feelings, and thoughts; but he has certainly their full allegiance as to their votes; and with regard to this House, he has a power almost superior to the Queen's prerogative of making Peers, by practically having the selection of the Scotch and Irish representative Peers, whereby he gains an immense accession of strength. ("No!" "Hear, hear!") That power, I must add, he has exercised with merciless severity towards the minority of both of those Peerages; for no individual, whatever his position, his ability, or his character has the slightest chance of representing either of those Peerages in this House unless his political opinions perfectly coincide with those of the noble Earl. There is one exception, indeed, but that only proves the rule."

Lord Granville added that although Lord Derby had a great majority, even against Lord Palmerston, than whom no Liberal prime minister had been more popular in the House of Lords, he had added to his majority by the creation of numerous new peers.[151]

As in the House of Commons, there was some criticism of the government from its own supporters like the duke of Rutland and the earl of Carnarvon on the morality of its conduct in introducing such a bill in view of its behavior in opposition the previous year. But the most trenchant comment on the probable consequences of the bill came from Lord Shaftesbury, also a Tory, who thought that in treating the suffrage as a right instead of as a trust, the bill must lead inevitably to manhood suffrage and democracy, and that democratic influence would be unfriendly to the Established Church and to the House of Lords. In support of the latter view, he said:

[150] *Annual Register*, 1867, English History, p. 92.
[151] *Hansard*, third series, CLXXXVIII, 1861–1862.

"So long as the other House of Parliament was elected upon a restricted principle, I can understand that it would submit to a check from such a House as this. But in the presence of this great democratic power and the advance of this great democratic wave . . . it passes my comprehension to understand how an hereditary House like this can hold its own. It might be possible for this House, in one instance, to withstand a measure if it were violent, unjust, and coercive; but I do not believe that the repetition of such an offence would be permitted. It would be said, 'The people must govern, and not a set of hereditary peers never chosen by the people.' . . . I am not afraid of democratic violence; I believe that the changes which we should all deprecate will rather be brought about by stealthy progress of legislation. I do think we shall be put out not by any turbulent, violent acts, but with all the elegance of a dissolving view. . . . There are many social questions to which the suffrage will be directed—questions in respect of Free Trade and Protection, of capital and labour, of wages and the relations between employers and employed; of claims now made by thousands to have a much larger share than at present falls to them of the profits of their toil and of the capital which they help to accumulate, with all the various notions of the distribution of property." [152]

In spite of the predictions of men like Shaftesbury, which must have found their echo in the minds of many of the government's supporters, the peers accepted the Reform Bill with remarkably little objection. As in the case of the repeal of the Corn Laws, they yielded to popular pressure and party tactics what in principle they professed to believe destructive of the constitution. Their action proved the truth of what Russell had said in 1832, that it was "impossible that the whisper of a faction should prevail against the voice of a nation." In 1866 and 1867, John Bright became the spokesman of the nation in its demand for enfranchisement, and the aristocratic faction which had maintained its supremacy in both Houses in spite of the Act of 1832, yielded to intimidation what it had denied to reason.

In conclusion, it may be pertinent to add the estimate of the power and the value of the House of Lords made by a radical and a conservative critic toward the close of the period just considered. John Stuart Mill first published his *Representative Government* in 1861, and the first edition of Bagehot's *English Constitution* described the conditions prevailing just before the second Reform Act, though it included some comment on the probable consequences of that measure.

Mill, the Radical, was inclined to think minority representation

[152] *Ibid.*, CLXXXVIII, 1925–1927.

a more effective check on the despotism of the majority than a second chamber. One reason for this was his conviction that

> "An aristocratic House is only powerful in an aristocratic state of society. . . . I cannot believe that, in a really democratic state of society the House of Lords would be of any practical value as a moderator of democracy. . . . The really moderative power in a democratic constitution must act in and through the democratic House. . . . If there are two Houses, one considered to represent only a class, or not to be representative at all, I cannot think that where democracy is the ruling power in society the Second House would have any real ability to resist even the aberrations of the first. It might be suffered to exist in deference to habit or association, but not as an effective check." [153]

The shortcomings of a democratic assembly, in Mill's opinion, being "want of special training and knowledge," a second chamber to be valuable as a corrective of the first should "represent personal merit, tested and guaranteed by actual public service, and fortified by practical experience." He therefore advocated a modification of the House of Lords by the introduction of life peers to be chosen from the ranks of judges, cabinet ministers, military and naval commanders, ambassadors, governors, civil servants and professors. To these should be added representatives chosen by the whole peerage, English as well as Scottish and Irish, from their own number on the Hare System of proportional representation. Peers not chosen as representatives should be eligible to the House of Commons.[154]

Bagehot thought "with a perfect Lower House it is certain that an Upper House would be scarcely of any value." But believing the House of Commons to be something less than perfect, he thought the House of Lords should be useful for the following purposes:

1) to check the action of chance majorities in the House of Commons on minor questions in which it has not the support of the nation;
2) to revise and improve the *form* of enactments;
3) to scrutinize Private Bill legislation;
4) to provide independent criticism of the ministry; and
5) to furnish a position for ministers freed from attendance in the House of Commons.

The practical usefulness of the House for these purposes, according to Bagehot, was lessened by its defects. Among these he stressed

[153] *Representative Government* (New York, 1922), pp. 324–7.
[154] *Ibid.*, pp. 328–330.

non-attendance, too great uniformity—representing almost exclusively the "landed interest"—and lack of training for the work of revising nineteenth century legislation. Most of these defects he thought might have been remedied by the introduction of life peers, as proposed by Palmerston's government in 1856. The great danger of the House of Lords, as he saw it, was "that it may never be reformed." It was safe, he believed "against rough destruction," but not "against inward decay."

"It may lose its veto as the Crown has lost its veto. If most of its members neglect their duties, if all its members continue to be of one class, and that not quite the best; if its doors are shut against genius that cannot found a family, and ability which has not five thousand a year, its power will be less year by year, and at last be gone, as so much kingly power is gone—no one knows how. Its danger is not in assassination, but atrophy; not abolition, but decline." [155]

Mill and Bagehot not only agreed on the desirability of life peers, but they agreed on the necessity for a cautious exercise of the Lords' powers if they were to be retained. As Mill said:

"When the force on one side is feeble in comparison with that on the other, the way to give it effect is not to draw both out in line, and muster their strength in open field over against one another. Such tactics would ensure the utter defeat of the less powerful. It can only act to advantage by not holding itself apart, and compelling every one to declare himself either with or against it, but taking a position among, rather than in opposition to, the crowd, and drawing to itself the elements most capable of rallying themselves with it on any given point; not appearing at all as an antagonist body, to provoke a general rally against it, but working as one of the elements in a mixed mass, infusing its leaven and often making what would be the weaker part the stronger, by the addition of its influence." [156]

Bagehot thought that the changes effected by the two Reform Acts necessitated a change of attitude on the part of the House of Lords, and a willingness to give in to the House of Commons whenever it clearly represented the opinion of the nation.

"I conceive, therefore, that the great power of the House of Lords should be exercised very timidly and very cautiously. For the sake of keeping the headship of the plutocracy, and through that of the nation, they should not offend the plutocracy; the points upon which they have to yield are mostly very minor ones, and they should yield many and great points rather than risk the bottom of their power. They should give large donations out of income, if by so doing they keep, as they would keep, their capital intact." [157]

[155] *English Constitution,* pp. 174 f., and 196–197.
[156] *Representative Government,* p. 326.
[157] *English Constitution,* p. 28.

CHAPTER IV

The Gladstonian Era, 1868–1884

"We shall never see that change in the management of affairs which most of us want to see unless there be a pretty complete change of men."

William Cobbett.[1]

Close on the heels of the Reform Act, there occurred two other events of great importance in parliamentary history. In December, 1867, Earl Russell told Gladstone that he would not again accept office. This meant that Gladstone would be next Liberal prime minister and that Bright would have a seat in the cabinet. In the following February, Lord Derby retired and was succeeded by Disraeli. Thus, the Reform Act of 1867 coincided with the passing of that elder generation of statesmen who had commenced their careers in the unreformed House of Commons. Every prime minister who held office from 1832 to 1867 had entered parliament before 1832. And as Bagehot pointed out:

"A new Constitution does not produce its full effect as long as all its subjects were reared under an old Constitution, as long as its statesmen were trained by that old Constitution. It is not really tested till it comes to be worked by statesmen and among people neither of whom are guided by a different experience." [2]

Some of the changes apparent after 1867, therefore, were due to a change of generation which completed the effect of the Act of 1832, rather than to the new Act of 1867.

Among the changes of this character, none was more important than the change in the leadership of both parties. The old Whig party was metamorphosed into the Liberal party of which the Whig formed the right wing, and Bright's Radical party the left, and which included, in addition to Gladstone, numerous followers of Peel. Under Disraeli's guidance, the Tory—or Conservative—party adopted some of the tenets of Tory democracy as set forth in *Sybil;*

[1] Quoted from "Rural Rides" in *Life & Letters of William Cobbett in England & America,* edited by Lewis Melville, 2 v. (London, n. d.), II, 225.

[2] *English Constitution,* Introduction to second edition, p. 3.

that is, they favored humanitarian legislation as long as it did not interfere with the landlords. This tendency was increased by the need to conciliate the newly enfranchised workingmen. The personalities of the leaders had a potent influence not only on the party led, but on the relations between parties, and even on the relations between the Houses. In the conflict with the Lords over the repeal of the paper duty Gladstone had shown himself indisposed to yield to their claims. His public addresses in 1862, 1864 and 1866 had already alarmed the Queen by the democratic tendencies of which they gave evidence, and subsequent contact with him in his official capacity contributed to the complete estrangement between the Queen and the Liberal party. How far that was due to his own personality and to the measures which he advocated, and how far it was due to prejudice instilled in the Queen's mind by Disraeli is difficult to determine. Gladstone's capacity for subtle distinctions and qualifications led to a distrust of his motives which embittered the opposition and sometimes hindered coöperation within his own party. His progressive conversion to doctrines considered subversive by his Whig supporters resulted in their constant defection, especially in the House of Lords, where the Liberal peers dwindled to a pitifully small band. On the other hand, his efforts to conciliate the Whigs and keep the extreme wings of his party together led to impatience and mutiny on the part of his Radical supporters in the House of Commons and the country.

It would be difficult to conceive of two men more different than Gladstone and Disraeli. Differences of training, intellect, temperament and ideals all contributed to a mutual antipathy and distrust. To Disraeli, Gladstone's tendency to see moral issues in politics was cant and humbug, designed to secure political support from the Nonconformist conscience. To Gladstone, the cynicism of Disraeli, who regarded politics as a duel of wits in which the motive was ambition and the prize fame, and who saw in political policy only a question of expediency or party tactics, was immoral and degrading to the country. Each respected the parliamentary skill of the other, and distrusted his motives. According to Lord Acton, Gladstone thought Disraeli's "doctrines false, but the man more false than his doctrine"; believed that "he demoralized public opinion, bargained with diseased appetites, stimulated passions, prejudices and selfish desires, that they might maintain his influence, that he weakened the Crown by approving its unconstitutional leanings, and the Constitution by offering any price for democratic popularity," and considered him

"the worst and most immoral minister since Castlereagh." [3] This was pretty strong, but Disraeli wrote to Lord Derby in October, 1876:

> "Posterity will do justice to that unprincipled maniac Gladstone—extraordinary mixture of envy, vindictiveness, hypocrisy, and superstition; and with one commanding characteristic—whether Prime Minister, or Leader of Opposition, whether preaching, praying, speechifying, or scribbling—never a gentleman!" [4]

With the leaders holding such views, it was not to be wondered at that party strife assumed an unwonted bitterness. True, many of the questions arising during the period were calculated to arouse partisan passions, but the political temperature would hardly have reached such fever heat without the injection into the body politic of the hatred and loyalty inspired by the rival leaders.

The other changes apparent after 1868 which affected the relations between the Houses may be accounted for by the more democratic franchise. One of the most striking of these changes was the growth in the importance of the electorate at the expense of the House of Commons. The growing use of the platform bore witness to this. To be sure, the platform had played a large part in the agitation for the Charter, for Corn Law repeal, and for reform. But for a responsible minister of cabinet rank to resort to it was quite another matter. When Gladstone addressed audiences in Manchester in 1862 protesting against the extravagance of the government, he received direct censure from his chief, Lord Palmerston.[5] His speeches in Lancashire in 1864 after his conversion to reform were eyed askance by his colleagues as well as his opponents; and when, in 1866, following the defeat of the Liberals, he appeared to be appealing to the people against the decision of the House of Commons, there was general indignation among the members of that body. In spite of Disraeli's taunts at his "pilgrimages of passion," [6] Gladstone repeated his offense in the contest for Southwest Lancashire in the election of 1868, and before the next general election came around, Disraeli himself had taken to the stump. From then on it became the common practice of leaders of both parties to take advantage of

[3] *Letters of Lord Acton to Mary Drew,* p. 202.
[4] Monypenny and Buckle, *Disraeli,* VI, 67.
[5] The Hon. Evelyn Ashley, *The Life of Henry John Temple, Viscount Palmerston, 1846–1865,* 2 v. (London, 1876), II, 413.
[6] Monypenny and Buckle, *Disraeli,* IV, 381 note.

any public address to defend their policy or attack that of their opponents.

Another evidence of the new importance of the electorate was the resignation of Disraeli following the election of 1868 without meeting parliament. Although this was condemned at the time by Gladstone as a serious departure from precedent, he adopted the same procedure in 1874, and it has since become the usual practice where electoral results are decisive.[7] The new emphasis on the responsibility of the House of Commons to the electorate could hardly fail to bring into sharper relief the irresponsible position of the House of Lords. Now that the electorate had been recognized as the sovereign, would it submit to having its will thwarted by an irresponsible body? Conscious of the danger, the House of Lords evolved the idea of demanding a dissolution whenever their views and those of the Commons came into conflict. It was an ingenious plan, based on the acknowledged right of the electorate to decide, and if applied impartially, might have solved the difficulty. But the attempt to use it for partisan ends served only to increase the friction between the Houses.

The rapid development of party organization after 1868 is directly traceable to the new conditions brought about by democratic constituencies. Disraeli was the first to recognize the need for more elaborate party machinery to cope with the new conditions and devoted much attention to the matter in the years of opposition between 1868 and 1874. Drafting John Eldon Gorst, a young Tory lawyer, into his service, he encouraged the formation of local Conservative Associations in each constitutency in which all classes were to be represented. The local associations were to be supplied with information, speakers, candidates, and assisted with election funds by the Central Conservative Office in London. Later, at the suggestion of Henry Cecil Raikes, all the local associations were affiliated in the Conservative National Union, the executive of which was chosen on a democratic basis.[8] The appearance of democratic control was rather deceptive, as the real control of candidates and funds was in the hands of the Central Committee, a secret, unrepresentative body, and so continued in spite of Lord Randolph Churchill's attacks in 1882–4.[9]

[7] *Ibid.*, V, 96.
[8] *Ibid.*, V, 184–186.
[9] Winston Spencer Churchill, *Lord Randolph Churchill*, 2 v. (London, 1906), I, Chapter vii.

The formation of the Primrose League in 1881 proved a very successful attempt to win the support of the masses to "Tory democracy" by the skilful use of social influence, regalia, and titles.[10]

Though the Conservatives were more prompt than the Liberals in adapting their party organization to the new constituencies, and reaped the benefit of their foresight in the election of 1874, the Liberals did not lag far behind. Joseph Chamberlain copied American machine politics in his organization of the Birmingham Caucus, and was the prime mover in the formation of the National Federation of Liberal Associations in 1877 which first played an active part in the election of 1880.

The increasing use of the platform and the development of party organization both tended to decrease the independence of the private member of the House of Commons by making him more strictly accountable to his constituency on the one hand, and on the other, subjecting him to greater pressure from the party whips. His position was further weakened by the adoption of increasingly drastic rules of procedure as a result of the obstruction which Parnell and his followers developed into a fine art. The result of the new rules was to give to any cabinet having a fair majority in the House of Commons almost complete control over the time of the House, thus reducing to the vanishing point the rôle of the private member either as critic of the government's legislation or administration, or as the originator of legislative projects. This loss of independence by the House of Commons furnished a useful argument for the advocates of a second chamber which they were quick to take advantage of.

In spite of Conservative hopes of "dishing the Whigs," and in spite of a large campaign fund and the skilful distribution of Church patronage for party ends,[11] the election of 1868, months after the passage of the Reform Act, resulted in a majority in 112 for the Liberals. With temporary harmony in their own ranks, and with the impetus of strong popular support in the country, Gladstone's first ministry was able to carry through a series of legislative measures scarcely less impressive than that of Lord Grey's ministry of 1833. These included the disestablishment and disendowment of the Irish Church, an Irish land act providing for the payment of compensation to tenants for unexhausted improvements, an education act establishing the first public primary schools, an act abolishing religious

[10] *Ibid.*, I, 256 f.
[11] Monypenny and Buckle, *op. cit.*, V, 56–57 and 60.

tests at the universities, an act abolishing the purchase of commissions in the army, an act providing for the use of the secret ballot at elections, an act legalizing trade unions, and an act reorganizing the higher courts in England. Political conditions were in many respects similar to those following the first Reform Act. The cabinet combined elements as dissimilar as John Bright and the duke of Argyll, and similar divergencies appeared among the following in parliament. The long period of political stalemate had resulted in legislative arrears which could hardly be wiped out by a single government, no matter how clamorous its supporters.

As on earlier occasions, the Tories used their majority in the House of Lords as a weapon of offense against their opponents, mutilating and obstructing measures which they dared not reject. It was one thing to obstruct a House of Commons inadequately representative of the nation and containing a weak and divided majority. But the same tactics used against a ministry supported by a large majority just returned by the vote of the enlarged electorate roused much greater resentment. Disraeli knew when to call off the opposition before this resentment reached a dangerous pitch; but he did not scruple to use his majority in the Upper House for partisan advantage any more than Peel and Derby had done before him, or Salisbury and Balfour were to do after him. The belief, current at a later date, that it was Balfour who first called in the Upper House to redress the balance in the Lower, is not borne out by the facts. That Disraeli's contemporaries took much the same view of his use of the Lords that Balfour's contemporaries took in 1906–1909 is shown by the following comment of the *Spectator* in September, 1880:

"In the spring the nation most deliberately dismissed Lord Beaconsfield from power. Nobody questioned that. As regards the Executive its voice is obeyed; as regards the Legislature it is almost inoperative, in that Lord Beaconsfield remains *above* Her Majesty's Government. He has a complete veto on all legislation. He says that this Bill is to be thrown out, that emasculated, and another rendered meaningless, and it is done. He dislikes the Compensation for Disturbance Bill, and it is dead. He says he will not oppose the Hares and Rabbits Bill and it is safe. He is the Jove of the situation. The constituencies and the nation are nothing before the man whom they have just formally condemned." [12]

One of the measures which nearly led to serious conflict was the Irish Church Bill, by which it was proposed to disestablish and dis-

[12] Quoted by Edward Robert Pearce-Edgcumbe in a pamphlet called "The Last Function of the Lords," Manchester, 1884.

endow the Anglican Church in Ireland. The principle of disestablishment had received the sanction of the House of Commons in 1868 and of the country in the election. In spite of this, it was opposed almost unanimously by the bishops, and at a meeting of Conservative peers at the duke of Marlborough's house, the earl of Harrowby was selected to move its rejection on second reading. It was the rumor of this intention on the part of the peers that led John Bright to write a letter to the Birmingham Liberal Association, which, coming from a minister, roused a storm of protest. The Birmingham Liberal Association had called a meeting to petition the House of Lords in favor of the Irish Church Bill, and Bright's letter in reply to the Association's invitation to attend said in part:—

"The Lords are not very wise, but there is sometimes profit even in their unwisdom. If they should delay the passing of the Irish Church Bill for three months, they will stimulate discussion of important questions, which, but for their infatuation, might have slumbered for many years. It is possible that a good many people may ask what is the special value of a Constitution which gives a majority of one hundred in one House for a given policy, and a majority in another against it. It may be asked also why the Crown, through its Ministers in the House of Commons, should be found in harmony with the nation, whilst the Lords are generally in direct opposition to it. Instead of doing a little childish tinkering about life peerages, it would be well if the peers could bring themselves on a line with the opinion and necessities of our day. In harmony with the nation they may go on for a long time, but throwing themselves athwart its course, they may meet with accidents not pleasant for them to think of. But there are a few good and wise men among the peers; and we will hope that their counsels will prevail." [13]

Lord Granville, replying to Lord Cairn's question in regard to Bright's letter, reminded the House of Lords that the violence of the language used by several of their Lordships constituted a severe provocation, and that while no threats had been uttered against the House of Lords in the House of Commons, "frequent threats were uttered to the House of Commons as to what your Lordships would do." [14]

In the debate on the second reading, Lord Granville referred to the speeches made by Cairns, Salisbury, the duke of Marlborough, and Lord Derby when the Suspensory Bill of 1868 was before their House. On that occasion they had based their opposition on the

[13] *The Public Letters of John Bright,* edited by H. J. Leech, second edition (London, 1895), p. 224.

[14] *Hansard,* third series, CXCVII, 11.

ground that the question had not been before the country, which certainly implied that after a new election, when the question had been before the country, they would abide by its decision.

"My Lords, speaking of the dignity of the House, it is impossible not to feel that the whole tone of the debate last year, and of all those declarations from those who had a right to speak with the greatest influence and weight on the opposite side, led every one to expect they were anxiously appealing to the country in order to know its opinion—an opinion which they hoped would be in their favor. Will it really be dignified on the part of your Lordships to say now to the country—'We waited anxiously for the decision given at the General Elections; if that decision had been in our favour, it would have been a great fact; as it is to such an enormous extent against us, it is nothing?' Why, my Lords, it reminds me of a phrase which we used to think very facetious at school, but which we never thought very logical even there—'Heads I win; tails you lose.' " [15]

While Lord Derby declared that the Bill "involves a complete revolution in the Constitution of this country," "strikes at the very root of property of all descriptions," and "is a measure of which I believe the political folly is only equalled by its moral injustice"; [16] Lord Carnarvon, the duke of Richmond, and Lord Salisbury, all Conservatives, urged the House to pass the second reading on the ground that the principle of the bill had unquestionably been approved by the country at the polls.[17] The bishop of St. Davids, the only bishop who supported the government, spoke strongly in favor of the second reading, declaring if the bill were rejected:

"This Bill will be as sure to come back to your Lordships' House as a stone thrown up into the air is sure to come down to the ground. It will return, itself unaltered, but it will not find your Lordships as it left you. You will receive it again, but not without a serious diminution of your dignity, your reputation and legitimate influence in the country." [18]

After a debate extending over several days, the second reading was finally carried by the support of thirty-six Conservative peers, led by Lord Salisbury.[19] The amendments subsequently carried in the House of Lords led to a protracted deadlock between the Houses which was only broken as the result of negotiation between Lord

[15] *Ibid.*, CXCVI, 1659.
[16] *Ibid.*, CXCVII, 19 and 41.
[17] *Ibid.*, CXCVI, 1727 f. and 1846 f.; CXCVII, 83–84.
[18] *Ibid.*, CXCVI, 1828.
[19] *Ibid.*, CXCVII, 304.

Granville, Lord Cairns and the duke of Richmond, aided by the personal influence of the Queen. The Queen cordially disliked the bill, but she was keenly alive to the dangers of conflict between the Houses, and on this, as on later occasions, exerted her influence in behalf of a compromise.[20] The compromise provided such generous terms for the Irish Church that the "disendowment" became a matter of name rather than fact. As to the dire consequences predicted by the opponents of the measure, they were quite unrealized. Doubtless the demand for Welsh disestablishment was somewhat hastened by the success of the Irish measure, but the English Establishment still survives, and if the Union has been dissolved, it was certainly not because of the Irish Church Bill.

One effect of the Irish Church Act was to remove the four Irish bishops from the House of Lords. This led to renewed attempts to exclude all the bishops. On June 21, 1870, leave was asked by Mr. Somerset Beaumont to bring in a bill to relieve lords spiritual subsequently consecrated from attendance in parliament. Sir Wilfred Lawson regretted it was not made to apply to the present bench of bishops. Gladstone spoke in opposition and the motion was lost, but the vote of 102 to 158 showed it was not without friends.[21] While the opponents of the bishops failed to exclude them, they were strong enough to prevent any increase in their number. A bill brought in in 1867 to create additional bishoprics was amended, as the act creating the see of Manchester in 1847 had been, to prevent any increase in number of spiritual peers. On the appeal of the archbishop of Canterbury, the Lords rejected the amendment and the bill was dropped. It was revived in the House of Lords in 1869 by Lord Lyttelton, and defeated on second reading because of the bishops' opposition to the restriction of their numbers. But in 1875, the Lords acquiesced in the Bishopric of St. Albans Act, which contained the same provision in a slightly modified form. When vacancies occurred in the sees of Canterbury, York, London, Durham or Winchester, writs of summons were to be immediately issued to the new incumbents; but in the case of vacancies in other sees, the writ of summons was to go not to the new incumbent, but to the bishop of longest appointment who had not previously sat in the House of Lords.[22] The creation of

[20] *Letters of Queen Victoria,* second series, II, 21; and Morley, *Gladstone,* II, 266–280.

[21] *Hansard,* third series, CCII, 676–702.

[22] 38 and 39 Vict., cap. 34, sec. 7.

five new sees by the legislation of 1876 and 1878 increased the number of bishops excluded from the House of Lords to seven.[23]

The episcopal bench was not the only feature of the House of Lords which came in for criticism at this time. A resolution was passed on March 31, 1868, establishing a standing order discontinuing the use of proxies, and requiring two days' notice for its suspension. It was pointed out that on the last occasion when proxies were used—a vote of censure on Russell's foreign policy—the votes of those present and supporting the government had been overridden by proxies. It is evident from the discussion that the action in abolishing proxies was taken partly to satisfy public criticism out of doors.[24]

A more ambitious proposal was Lord Russell's Life Peerage Bill, introduced in the House of Lords April 9, 1869. It proposed that the Crown be authorized to create life peers to the extent of not more than four in one year, nor more than twenty-eight in all. The categories from which they were to be drawn suggest that Russell had been reading Mill's *Representative Government*. But Mill's suggestion for extending the representative principle to the whole peerage was evidently rejected as too radical. Even Russell's modest proposal was too radical for the majority. Lords Cairns, Derby, Stanhope, Malmesbury, Denman and Feversham all opposed it on the ground that it might increase the power of the ministry and be used to swamp the House of Lords. Lord Salisbury spoke and voted in favor of the bill on the ground that the House of Lords belonged "too much to one class, and the conseqence is that with respect to a large number of questions we are all too much of one mind." He thought the House should be made more representative by the inclusion of a larger number from the mercantile and industrial classes. The bill was rejected by a vote of 76 to 106.[25] It seems to have aroused little interest out of doors. Bright referred to it as "a little childish tinkering." [26]

On the same day that Earl Russell brought in his Life Peerage Bill, Earl Grey presented a bill to amend the method of electing the representative peers. Its most important provision was the cumulative vote to secure a representation of the minority. The bill was opposed by Cairns, Salisbury and the duke of Buccleuch, the last moving to

[23] A. Lawrence Lowell, *The Government of England,* new edition, 2 v. (New York, 1924), I, 396.

[24] *Hansard,* third series, CXCI, 566–567.

[25] *Ibid.,* CXCV, 452 f., 1650 f.; and CXCVII, 1401–1403.

[26] See above in letter to Birmingham Liberal Association.

substitute a select committee. Granville urged that the bill should be either accepted or rejected on second reading rather than buried in a select committee which "the public will regard as an attempt to stifle the matter." But the motion for burial prevailed.[27] In 1874, Lord Inchiquin, in moving for an address to the Crown in regard to Irish peerages, said that the select committee appointed as the result of Grey's bill in 1869, "if it ever met, certainly never made any Report." The object of Lord Inchiquin's motion was to limit the prerogative of the Crown so far as it related to the creation of Irish peerages, with the view to the gradual extinction of the Irish peerage as a separate body. It was supported by several Irish peers, but opposed by the duke of Richmond as contrary to the Act of Union, and withdrawn without division.[28] On the same day Lord Roseberry moved for a select committee to inquire into the method of electing representative peers and to report on what changes might be desirable. The motion was carried, and the committee not only met but reported. But as it proposed to increase the number of representative peers without adopting any provision for minority representation, its recommendations met with no favor from reformers and no action was taken.[29]

A motion for the suspension of bankrupt peers until the annulment or discharge of their bankruptcy met with more success. Lord Cairns pointed out that the House of Commons had had such a ruling since 1812. The motion met with no opposition, passing the House of Lords May 2, 1871, and was of course agreed to by the Commons.[30]

In 1873 Lord Redesdale renewed a proposal first made by him in 1851, to create the presiding judges of the courts of Chancery, Queen's Bench, Common Pleas and Exchequer *ex officio* peers for life. The motion was lost, probably being considered inopportune in view of Lord Selborne's Supreme Court of Judicature Act, introduced the same year.[31] Lord Selborne's act merged the four old courts into a Supreme Court of Judicature, consisting of two divisions, the High Court of Justice and the Court of Appeal. The latter was to take over the appellate jurisdiction of the House of Lords, and to

[27] *Ibid.*, CXCV, 473–6; 1677 f.
[28] *Ibid.*, CCXIX, 1476–1488.
[29] *Ibid.*, CCXIX, 1489 and CCXXV, 242.
[30] *Ibid.*, CCV, 1576. Lord Granville had suggested the need for this action in a letter to the duke of Richmond of Dec. 11, 1870. See Fitzmaurice, *Granville*, II, 503 note.
[31] *Ibid.*, CCXVI, 1758–1759.

some extent, of the Judicial Committee of the Privy Council; and no appeal was to lie from the new Court of Appeal to the older appellate bodies. Thus the act of 1873 solved the problem of the judicial weakness of the House of Lords by abolishing its judicial functions entirely and transferring them to a new court. This solution was not acceptable to the Lords and was objected to in Scotland and Ireland. In 1874 an amending act to postpone its operation until some other arrangement could be come to in regard to an appellate court passed the House of Lords and failed in the House of Commons; but a similar measure passed both Houses the following year. And in 1876 Disraeli's government brought in the Appellate Jurisdiction Act, which restored the judicial functions of the House of Lords in form at least. The law lords—judges and ex-judges who were members of the House—were to be known as Lords of Appeal. To them were to be added two salaried judges to be known as Lords of Appeal in Ordinary who were to sit in parliament as barons so long as they held office.[32] The act provided further that no case should be heard by fewer than three Lords of Appeal, and permitted them to hear appeals during the prorogation of parliament. Lord Denman objected to the "unconstitutional nature of the proposed appointments," but the act met with practically no other opposition. Lord Redesdale pointed out that the Lords of Appeal in Ordinary would be *official* peers, like the bishops, rather than life peers.[33] But in 1887, another Conservative government introduced an amendment to the act of 1876 making the Lords of Appeal in Ordinary life peers. It was recalled by Lord Herschell that an amendment to that effect was offered in the House of Commons in 1876 and opposed by Disraeli. Lord Ellenborough asked if it was not "an attempt to introduce a new class of Life Peers by a sort of side issue?" and Lord Denman bewailed the rashness of the Lords—"Well, my Lords, this is your usual habit of suicidal policy." But the bill passed with little opposition, and thus there was accomplished after thirty years' delay what Palmerston tried to accomplish by bestowing a life peerage on Baron Wensleydale in 1856.[34]

The narrow escape from serious conflict with the Lords on the

[32] The number was first increased to four, and in 1913, Lord Haldane secured the addition of two more. See his *Autobiography* (Garden City, N. Y., 1929), p. 269.

[33] *Hansard,* third series CCXXVII, 222, CCXXIX, 1686.

[34] *Ibid.,* CCCX, 747 f. and CCCXI, 9. For a brief account of the whole question, see Pike, *Constitutional History of the House of Lords,* pp. 305–307 and 382–384.

Irish Church Bill, and the failure of Russell's and Grey's measures to reform the constitution of the Upper House led Lord Granville to urge the creation of a considerable number of Liberal peers. Gladstone was willing, but the Queen was hostile. Granville urged his point in what he called a "Ciceronian reply" to the Queen. He wrote that in spite of his already large majority and his "exclusive command of the Scotch and Irish peerage," Lord Derby had recommended fourteen new peers in his last term of office, and Disraeli had added a few more. The recent Reform Act had increased the Liberal majority in the House of Commons, and made it "idle to suppose that politics will run in precisely the same grooves as before." He declared that the position of the government in the Lords was "almost intolerable," with a hostile majority of sixty or seventy without counting bishops, which might yield on great occasions but "is absolute in all ordinary matters of legislation, on which the credit and utility of a Government so much depend." In conclusion, he said:

"Lord Granville is sure that anything which can give a more Liberal tinge to the House of Lords, and put it more in harmony with the House of Commons, is useful.

"It is disadvantageous to the Lords that it should be difficult to initiate measures in it. It is not good for the Crown that its servants should be helpless in either branch of the Legislature." [35]

In the end, the Queen gave reluctant consent to the advice of her ministers, but so far as one may judge from the subsequent treatment of Liberal measures by the House of Lords, the new creations did little to better the position of the government in that body.

The opposition between the Houses on the Irish Church Bill was typical of a long series of measures carried through the House of Commons only to meet opposition and sometimes defeat in the House of Lords. In 1870, the bill to abolish religious tests at the universities—a private bill, but supported by the government—was thrown out by the Lords largely through the opposition of Lord Salisbury who had recently become Chancellor of Oxford. Disraeli wrote to Lord Stanhope on this occasion:

"I quite agree with you about the division in the House of Lords: Avowedly to regulate that assembly by the prejudices, or convictions, of the University of Oxford, cannot be wise." [36]

[35] Lord Edmond Fitzmaurice, *Life of Granville George Leveson Gower, Second Earl Granville 1815–1891*, 2 v. (London, 1906), II, 16–18.

[36] Monypenny and Buckle, *op. cit.*, V, 124–125.

A similar bill was introduced by the government the following year which the Lords agreed to, possibly on the advice of Disraeli. The Ballot Act was rejected by the Lords in 1870 and in 1871, and if Lord Salisbury had had his way, would have been thrown out again in 1872, witness his letter to Lord Carnarvon of February 20, 1872, which is also an exposition of his views on the Lords' right to force a dissolution:—

"I do not think the Ballot will come on for second reading in our House before Easter. I am strongly for rejecting the Bill on the second reading for this reason. It appears to me of vital necessity that our acceptance of Bills to which we are opposed should be regulated by some principle. If we listen to the Liberals we should accept all important Bills which had passed the House of Commons by a large majority. But that in effect would be to efface the House of Lords. Another principle—which is, so far as I can gather, what commends itself to Derby—is to watch newspapers, public meetings, and so forth, and only to reject when public opinion, thus ascertained, growls very loud. This plan gives a premium to bluster and will bring the House into contempt. The plan which I prefer is frankly to acknowledge that the nation is Master, though the House of Commons is not, and to yield our own opinion only when the judgment of the nation has been challenged at the polls and decidedly expressed. This Doctrine, it seems to me, has the advantage of being: (1) Theoretically sound, (2) popular, (3) safe against agitation, and (4) so rarely applicable as practically to place little fetter upon our independence. It is therefore rather as a part of a general principle than because I attach supreme importance to the question of the Ballot, that I most earnestly am desirous of inducing Richmond to resist the second reading. He confessed to me the other night that Dizzy was pressing him hard the other way." [37]

Evidently Disraeli's counsels prevailed, for the Lords passed the second reading, although their amendments nearly brought about serious difficulties with the House of Commons. That the government was prepared for strong measures in case of further opposition by the Lords is shown by Gladstone's letter to the Queen of July 6, 1872, in which he said that the cabinet had come to the conclusion that if the House of Lords reaffirmed the principle of optional secrecy, an adjournment would be asked for, and probably the bill would be submitted to the Lords again in an autumn session, "but of course, if that trial should fail, there would remain nothing but the last alternative to consider. The Cabinet deem it quite out of the question

[37] Lady Gwendolen Cecil, *Life of Robert, Marquis of Salisbury,* 2 v. (London, 1926), II, 25.

to recommend the Bill as part of the ordinary business of the Session of 1873." [38] Morley assumes that "the last alternative" implies a dissolution; but does it not imply also the creation of peers, if necessary, to enforce the Lords' acceptance of the verdict of the polls? [39]

The government's bill to abolish the purchase of commissions in the army—part of the scheme of army reform brought about by the defects exposed in the Crimean War—met with bitter hostility from the "Colonels" in the House of Commons, when their obstruction led to all-night sittings. It was from Tory obstruction on this and other occasions during this parliament that the Irish learned the tactics they used to such effect in subsequent parliaments.[40] Having failed in the Commons, the opposition called on their allies in the Lords, who rejected the hated bill. Great was their rage when the cabinet decided to take advantage of the fact that the system of purchase had been originally sanctioned by Royal Warrant to secure its discontinuance by the same means. The Queen had misgivings about the propriety of such a course, and refused to take the step advised without the support of a formal cabinet minute.[41] This method of overriding the Lords' obstruction was denounced by Disraeli as "part of an avowed and shameful conspiracy against the privileges of the House of Lords." [42] It met with almost equal objection from many of the government's Liberal and Radical supporters, though not because of any tenderness for the feeling of the Lords. It might be said in the government's defense that the time consumed in passing the University Tests Bill twice and the Ballot Bill thrice made it very tempting to use a more summary procedure when it was possible.

As to the other measures of the government, the Lords contented themselves with damaging amendments. In the Elementary Education Bill of 1870, the Lords struck out the provision for free schools, for the use of the ballot in the election of school boards and insisted on

[38] *Letters of Queen Victoria,* second series, II, 221–223.

[39] Morley, *op. cit.,* II, 369.

[40] See debates on Clerical Disabilities Bill, June 17, 1870, *Hansard,* third series, CCII, 448–450; Elementary Education Bill, July 14, 1870, *Hansard,* CCIII, 299 f.; and Army Regulation Bill, March 16 and May 8, 1871, *Hansard,* CCV, 147 f. and CCVI, 451–454, on all of which occasions the House adjourned after 2 A. M., having spent hours in taking divisions on purely obstructive motions. See also speech by Mr. Sullivan, Feb. 26, 1880, on the Tories' use of obstruction, *Hansard,* CCL, 1504–1514.

[41] *Letters of Queen Victoria,* second series, II, 151.

[42] Monypenny and Buckle, *op. cit.,* V, 141.

religious concessions which angered the Dissenters. In the Irish Land Act the Lords insisted on omitting the qualification that compensation should be paid for disturbance in case of eviction for non-payment of rent when "the Court should be of opinion that on special grounds it should be paid." The qualification was retained for holdings valued at less than £25 a year "if the Court should be of opinion that the non-payment of rent is owing to its being exorbitant." [43] This omission, which was bitterly opposed by the Irish members, enabled Irish landlords when the next bad season caused arrears in rent, to evict hundreds of tenants without compensating them for improvements which they had made.

Thanks in part to measures which were defeated or mutilated by the Lords, or which had to be abandoned because of the time consumed in overcoming their opposition, and thanks also to the failure of the government to meet the demands of its more radical supporters, the government's popularity had ebbed away just as had that of Lord Melbourne's government at an earlier date. Lord Russell's comment on the earlier occasion is equally applicable to 1873:

> "The sum total is perhaps that very old difficulty of Whig Administrations, that their friends expect them to do more than is possible; so that if they attempt little their friends grow slack, and if they attempt much their enemies grow strong." [44]

Fawcett, a Radical critic, complained that the government lagged behind the bulk of the party, and that instead of laying down principles and sticking to them, they indulged in compromises designed to placate various factions and ended by pleasing nobody.

> "Mr. Gladstone's government, according to its opponents, lost command of the country because it threatened so many interests. Fawcett said, in substance, that it failed because it excited the distrust of both supporters and opponents; that it failed to take the plain course which would have roused the enthusiasm of Liberals; whilst it equally failed to conciliate opponents, who never felt sure that it would not reach the Radical conclusions by devious and covert approaches." [45]

The government took advantage of its defeat on the Irish University Bill, which was disliked quite as much by some of its own followers as by its opponents, to extricate itself from what was fast becoming an intolerable position. Disraeli, much to Gladstone's sur-

[43] Eversley, *Gladstone and Ireland*, pp. 47–48.
[44] Walpole, *Life of Lord John Russell*, I, 285.
[45] Sir Leslie Stephen, *Life of Henry Fawcett* (London, 1885), p. 290.

prise and rage, refused to form an administration, so that the latter was forced to resume his position and for a year longer the Liberal ministry did veritably resemble the "range of extinct volcanoes" to which Disraeli had likened them two years before.[46]

With Disraeli again in office following the election of 1874, relations between the Houses became uneventful, although the Lords' treatment of measures affecting land showed there were limits to what they would accept, even from a Conservative government. In 1874 they rejected a bill giving laborers the right to rent charitable lands in allotments; in 1876 they struck out of the Commons and Enclosures Bill the clauses providing for allotments and recreation grounds; while in the Agricultural Holdings Bill of 1875, the obligation to pay compensation to tenants for unexhausted improvements was made permissive, and the Government promptly contracted itself out of the obligation in its dealings with Crown tenants.

One feature of the Conservative legislation of 1874–1880 is worthy of remark; that is its greater regard for the demands of the working classes so far as industrial questions were concerned. This was perhaps due to the fact that the Conservative party still drew its support mainly from the landed class. Though Tory manufacturers and business men like Sir Richard Cross and Mr. W. H. Smith were now to be found on the front bench in the House of Commons, the House of Lords remained very largly a landlords' House, which accounts for their complacency in regard to industrial changes, while changes affecting land still met with stubborn opposition. The Factories (Health of Women, *etc.*) Act of 1874 was a slightly less liberal version of the bill introduced twice in the previous parliament by Mr. Mundella, when it received no encouragement from the ministry and was opposed by Liberals like Professor Fawcett.[47] In 1875 the Criminal Law Amendment Act of 1871, containing features obnoxious to the trade unions, was totally repealed and replaced by the Conspiracy and Protection to Property Act in which definite and reasonable limits were set to the law of conspiracy. In the same year the Master and Servant Act of 1867 was replaced by the Employers' and Workmen's Act, by which employers and workmen were made equal parties to a civil contract and peaceful picketing was made lawful.[48] The Artisans'

[46] Monypenny and Buckle, *op. cit.*, V, 191.

[47] Webb, *History of Trade Unionism*, p. 297.

[48] *Ibid.*, pp. 274–275. See also pp. 270–271 for the part played by trade-unionists in the Liberal defeat of 1874 because of Liberal disregard of trade-union sentiment in the previous parliament.

Dwellings Act permitted the condemnation and compulsory purchase of land by local authorities for artisans' dwellings; and the previous legislation dealing with public health was reorganized and consolidated. The enactment the following year of the Merchant Shipping Bill was due less to the enlightenment of the government than to the effects of Mr. Plimsoll's persistent efforts in arousing public opinion.[49] It did not escape the notice of acute observers of the working class that the radicalism of the Liberals was mainly limited to land, and that of the Conservatives to industry. While the policy of both major parties lagged behind the desire of the more radical members of the working class, there seemed little reason why the urban workers should prefer Liberals to Conservatives. The crushing defeat of the Conservatives in the election of 1880 was due in large measure to their failure to take any steps to relieve the serious agricultural distress in England and Ireland, and to the unpopularity of their foreign policy which gave Gladstone the opportunity to rouse the country in his Midlothian campaign. Disraeli tried hard to substitute Home Rule for imperialism as the dominant issue in the campaign, with the result that the Irish vote was given to the Liberals.[50]

The relative prosperity enjoyed by English agriculture for a period of about two decades was now succeeded by a period of increasing depression, which brought acute distress to the agricultural laborers, and, as always, economic distress led to political agitation. Being the only class now excluded from the ballot, they naturally clamored for enfranchisement. The first bill for the purpose was introduced by Mr. Trevelyan in 1872 when it met with little encouragement. On its reappearance in 1875, Lord Hartington opposed it, partly because no redistribution bill accompanied it, and partly because he feared the enfranchisement of the agricultural worker might lead to a Conservative reaction.[51] But in 1877, when Trevelyan's annual motion came on again, Lord Hartington announced his conversion, while the Conservative front bench was still opposed. This naturally led the friends

[49] Northcote, in a letter to Disraeli, November 26, 1875, said: "We have fought the battle of our shipowners very stiffly." Andrew Lang, *Sir Stafford Northcote, first Earl of Iddesleigh,* p. 275.

[50] *Annual Register,* 1880, English History, p. 54. The Irish Home Rulers were instructed to "Vote against Benjamin Disraeli as you should vote against the mortal enemy of your country and your race."

[51] Bernard Henry Holland, *Life of Spencer Compton, eighth duke of Devonshire,* 2 v. (New York, 1911), I, 154. Gladstone retired from the leadership of the party in 1875, and Hartington was chosen as his successor.

of the rural laborers to give their support to the Liberals at the ensuing election.

Other occurrences helped to bring the question of land tenure into prominence. In Ireland the harvests of 1877 and 1878 had been bad and that of 1879 was the worst since 1846, resulting in actual famine in some parts of the country and arrears of rent almost everywhere. The landlords, profiting by the Lords' amendment of the land act of 1870, took advantage of their tenants' distress to evict them without compensation. The number of evictions rose from an average of 503 for the five years ending in 1877, to 1908 in 1879, and 1073 from January to June of 1880.[52] Efforts to secure action by the government resulted only in the appointment of a royal commission to inquire into the causes of agricultural depression in the United Kingdom. When Parliament opened in February, 1880, the Queen's speech referred to the commission as "pursuing its labours," and to the precautions and measures of relief taken by the government in view of the "serious deficiency in the usual crops in some parts of Ireland." [53] This led to warm attacks on the government by the Irish members. Mr. Redmond moved an amendment to the address charging the government with failure to make adequate provision for the relief of distress which in parts of Ireland had brought the population to the verge of starvation; and failure to indicate any intention of dealing with the question of land tenure, which he believed to be at the root of the disaffection and distress. He warned the government that failure to reach some reasonable solution of the land question would lead to unofficial attempts, based on extravagant and revolutionary theories, with the result that when the government was at last compelled to take action they would find themselves much embarrassed. When this occurred, they would have only themselves to blame for "having constantly ignored the constitutional expression of the grievances of the people of Ireland." [54] The reply of the Irish Secretary, Mr. Lowther, in which he characterized the Ulster custom as "pure and undiluted Communism" and declared that the land laws had "nothing to do with the present state of Ireland," was ill calculated to soothe Irish resentment.[55] The result of the inactivity of the Conservative government was the formation of the Land League and

[52] Eversley, *op. cit.*, p. 116.
[53] *Hansard*, third series, CCL, 4–5.
[54] *Ibid.*, pp. 152–153.
[55] *Ibid.*, pp. 236–237.

the throwing of the Irish vote to the Liberals in the election which followed the dissolution of Parliament on March twenty-fourth. So strong was the demand for radical amendment of the land act of 1870 that, according to Lord Eversley, even

"the Tory landowners' candidates for County constituencies in Ulster were compelled to support it. Lord Castlereagh, now Lord Londonderry, who was candidate for County Down, obtained and published a written promise from Sir Stafford Northcote that, in the event of the Government being maintained in power after the General Election, it would legislate on the land question in accordance with the demands of the Ulster tenants." [56]

The result of the election was an overwhelming victory for the Liberals. The land question in England and Ireland affected the result, but probably the greatest single factor in the campaign was Gladstone's speech-making in his contest for the Scottish metropolitan county of Midlothian. The *Annual Register* records that on leaving London for his Scottish campaign, Gladstone said:

" 'I mean not only to secure the seat for Midlothian, but my object goes so far as to sweep out of their seats a great many other men . . . and to consign them to that retirement for which they are more fitted.' . . . Some comments were made on this boast; but when the results of the elections were declared, it was remarked by a curious circumstance, that at every halting-place where Mr. Gladstone made a speech, the Liberals gained a seat." [57]

Gladstone's speeches, the burden of which was a passionate denunciation of foreign policy as conducted by Disraeli, completed his estrangement from the Queen. She had been alarmed by his radical tendencies during his first premiership and angered at the attacks on royal allowances made by Radicals like Labouchère, Dilke and Fawcett. She was indignant at Gladstone's retirement from the leadership in 1875; and still more indignant at his subsequent attacks upon Disraeli's government, in and out of parliament. The published correspondence of Disraeli with the Queen makes it clear that he used his position to foster the prejudices and play upon the fears of the Queen to the injury of his great rival.[58] So strong had the Queen's distrust grown that she rejoiced that Gladstone's retirement made it unnecessary to summon him to form a government. When Liberal

[56] Eversley, *op. cit.*, p. 108.
[57] *Annual Register*, 1880, English History, p. 45.
[58] See Monypenny and Buckle, *op. cit.*, VI; and *Letters of Queen Victoria*, second series, III.

victory became certain, the Queen wrote to Disraeli (now Lord Beaconsfield) on April 9, 1880:

"Of course I shall not take any notice of Mr. Gladstone, who has done so much mischief. It is most essential that *that* should be known." [59]

The Queen intended to bestow the premiership on either Lord Hartington or Lord Granville. But neither of them, while they had opposed Gladstone's retirement and had good cause to resent his treatment of the party in general and themselves in particular, held any illusions as to his willingness to accept anything but first place in the new government. The Prince of Wales was equally convinced of the necessity of summoning Gladstone and used his influence to persuade the Queen.

"During three fateful days of mid-April (18th–21st), when the Queen was tenaciously resisting Mr. Gladstone's claim, the Prince was corresponding with Lord Granville and was discussing in person with Lord Hartington the ways and means of breaking his mother's resistance. In letters to Colonel Ponsonby, the Queen's private secretary, he sought assiduously to disabuse his mother's mind of her conception of Mr. Gladstone as an ogrelike enemy who was incapable of either loyalty or courtesy. To Lord Granville he wrote that the Queen was influenced by the Tory prejudices of her youngest son, Prince Leopold, who was constantly with her, and whose party zeal rendered 'nugatory' his own broader counsels.

" 'The Prince of Wales feels sure' wrote Mr. Francis Knollys, his private secretary, to Lord Granville (April 1880) 'that if the Queen would only look upon Mr. Gladstone as a friend instead of as an enemy of Her Majesty and the Royal Family, which Prince Leopold delights in persuading her he is, she will find him all she could wish.' " [60]

When the Queen reluctantly sent for Gladstone, and a cabinet, comprised very largely of Whigs and peers, tempered by Bright and Chamberlain, had been formed, the new government found itself confronted by an uncommonly difficult situation. The election had given the Liberals a majority of 106 over the Conservatives alone, but many of their nominal supporters were Radicals so far in advance of the Whig majority in the cabinet that their support could never be counted on with assurance. The Irish Nationalists had been increased to sixty and were now led by Parnell instead of the more

[59] Sir Sidney Lee, *King Edward VII, A Biography* (New York, 1925), I, 513.
[60] *Ibid.*, I, 514.

conciliatory Isaac Butt.[61] An unexpected difficulty was the appearance of the "Fourth Party," a group of independent Conservatives led by Lord Randolph Churchill, who voted now with the Irish, now with the Radicals, used obstruction as effectively as either of them, and were almost equally hostile to the government and to the official opposition. It was the Fourth Party, or their leader, who first saw the possibilities of annoying the government offered by the atheist, Bradlaugh, and made diligent use of religious prejudice for party ends, thereby wasting a vast amount of time and disgusting the government's supporters by its failure to get on with its legislative program.

But it was the Irish question which gave the greatest difficulty to the government. When the new parliament opened in April, the government promised Ireland the assimilation of the borough franchise to that in England, and the discontinuance of the coercion act on its expiration on June 1, 1880; but there was no mention of land legislation. This led to protests from the Irish members, and the introduction of a bill by Mr. O'Connor Power to undo the work of the Lords in 1870. It was only then that the government produced a Compensation for Disturbance Bill. Although it was so far below the demands of the Irish members as to meet with prolonged opposition from them in the House of Commons, it was summarily rejected by the House of Lords, where Lord Lansdowne, himself a large Irish landowner, resigned as under-secretary for India in order to oppose it. The immediate consequence was the adoption of boycotting by the Irish Land League, and a great increase in agrarian crime which necessitated the introduction of a drastic coercion bill at the beginning of the session of 1881. It was the protracted obstruction of this measure which led to the adoption of more stringent rules of procedure

[61] Parnell entered parliament in 1875, but took no part in obstruction until the session of 1877. In 1878 he succeeded Isaac Butt as leader of the Home Rule party. He had already publicly repudiated Butt's policy of conciliation in a speech at Manchester in 1877, when he asked:—"What did we ever get in the past by trying to conciliate? Why was the English Church in Ireland disestablished and disendowed? Because there was an explosion at Clerkenwell and because there was a policeman shot in a prison-van at Manchester." Speaking the following year in Dublin he said Butt's policy might work if it were merely a question of persuading a few fair-minded Englishmen, "but I do not think that the House of Commons is mainly composed of fair-minded Englishmen. If we had to deal with men who were capable of listening to fair arguments, there would be every hope of success, but we are dealing with political parties, who consider the interests of the political organization as paramount beyond every other consideration." Quoted in Eversley, *op. cit.*, pp. 82 and 84.

by the House of Commons. Debate on Mr. Forster's motion for leave to bring in the coercion bill had lasted a week when Gladstone announced on January thirty-first that the vote on the introduction of the bill would be taken in that sitting. The sitting lasted for forty-one consecutive hours, and was only broken on the morning of February second by the action of the Speaker, who, on resuming the Chair, instead of calling on the member who had the floor at his entrance, put the question at once on the ground that

"A crisis has thus arisen which demands the prompt interposition of the Chair, and of the House. The usual rules have proved powerless to ensure orderly and effective Debate. . . . A new and exceptional course is imperatively demanded; and I am satisfied that I shall best carry out the will of the House, and may rely upon its support, if I decline to call upon any more Members to speak, and at once proceed to put the Question from the Chair. . . . Future measures for ensuring orderly Debate I must leave to the judgment of the House. . . ."

The motion was carried by a large majority, the opposition voting with the government, while the Irish members withdrew from the House crying "Privilege! Privilege!" [62] Gladstone then gave notice of a resolution embodying a change in the rules to be presented on the following day. When the following day came, the House found itself unable to transact business until the entire Irish Party had been suspended, one by one.[63] After that, the government's proposals were accepted with little change.

Following the arduous passage of the coercion act, Gladstone immediately introduced a new Irish land bill, based upon the recommendations of a royal commission presided over by Lord Bessborough. Its main features were the establishment of a land court for the judicial revision of rents, provisions to secure fixity of tenure and to enable the tenant to sell his improvements, and for the advance by the government of three-fourths of the purchase price to enable tenants to purchase their holdings. The *Annual Register* characterized it as "probably the most important measure introduced into the House of Commons since the passing of the Reform Bill." [64] It was generally well received by the press, which urged a fair consideration for it in view of the serious conditions in Ireland. In parliament, the Irish party criticized various details, and refused

[62] *Hansard,* third series, CCLVII, 2033–2035.

[63] *Ibid.,* CCLVIII, 68–88. This was partly as a protest against the new rules and partly as a protest against the rearrest of Michael Davitt.

[64] *Annual Register,* 1881, English History, p. 78.

to accept any responsibility for it, but they were not hostile as they had been in 1880. As usual, the most serious opposition came from the House of Lords. Two members of the cabinet, the dukes of Bedford and Argyll, resigned rather than support it, and Lord Granville thought this served to stiffen the Lords' resistance. As he wrote to the duke of Bedford when his retirement was rumored:

"I have always thought that the action of the great aristocratic leaders of the Liberal party at important crises, like the great Reform Bill, the repeal of the Corn Laws, and others, though sometimes opposed to their feelings and wishes, had been of signal advantage to the country. I am afraid their appearance now as advisers to the Lords to damage the Irish Land Bill will have anything but a Conservative result."

And to Argyll, Lord Granville wrote:

"But it appears to me that the responsibility you are taking is very great—to aim such a blow so soon at Gladstone's Government, to give such a triumph to the Tories, to give such a stimulus to the House of Lords to put themselves in collision with the House of Commons, with all the results that may happen in Ireland." [65]

Lord Salisbury met the motion for second reading in the House of Lords by an extremely hostile speech, but concluded by advising his followers against summary rejection in view of the anarchy prevailing in Ireland for which he laid the blame on the inactivity of the Liberal government. Subsequently a meeting of Tory peers was summoned to Salisbury's house to agree upon the amendments to be proposed. These were of so drastic a character as to alarm many Conservatives who deprecated a collision with the House of Commons because they feared its effect upon Ireland.[66] In spite of this, Gladstone had difficulty in persuading his cabinet to resist the Lords' amendments, as is shown by the following entry in the journal kept by Mr. Lewis Harcourt, who acted at this time as secretary to his father, Sir William Harcourt:

"August 14. Gladstone and W. V. H. had a very hard fight to get the Cabinet to decide on resisting the House of Lords on the Irish Land Bill. The Lord Chancellor, Granville, Kimberley, Northbrook and Hartington were strongly opposed to it, and the rest, with the exception of Bright, Chamberlain, Gladstone and Harcourt carried their point." [67]

[65] Fitzmaurice, *Life of Lord Granville,* II, 296.
[66] *Annual Register,* 1881, English History, pp. 111–114.
[67] A. G. Gardiner, *The Life of Sir William Harcourt,* 2 v. (London, 1923), I, 427–428.

The inclusion of Granville is probably a mistake, as he was more liberal than any of his Whig colleagues where land was concerned.[68] The House of Commons rejected the more damaging of the Lords' amendments and when Salisbury threatened to insist upon them, he found himself deserted by many of his followers and the whole of the Conservative press with the exception of the *St. James Gazette,* and so gave way.[69]

It is worth noting that on practically every point where the measure of 1881 fell short of the Irish demands, whether through the conservatism of the Liberal cabinet or amendment by the Lords, the decision was reversed by subsequent legislation of Conservative governments and approved by the Lords. In 1881, in spite of Irish protests, the government excluded leaseholders from the benefit of the act until the termination of the lease, and even this was struck out by the Lords. But in 1887, leaseholders were admitted to the full benefit of the act without waiting for the termination of the lease. The Irish had urged the government in 1881 to advance the full purchase price to the tenant. In 1885, Lord Ashbourne's act advanced the full purchase price; while Balfour's acts of 1891 and 1896 improved the terms of the tenant, and Wyndham's act of 1903 went beyond what Parnell had asked in 1881.[70]

The death of Beaconsfield in 1881, and the succession of Salisbury to the leadership of the party in the Lords did not make the legislative efforts of the ministry any easier, as was plainly indicated by their experience with the Irish land bill. Even among Conservatives, Salisbury was regarded as the representative of a too extreme type of Toryism, and there was much misgiving and some opposition on his assumption of the leadership. On more than one occasion he found himself deserted by his followers when his policy threatened serious collision with the House of Commons. Sir Henry Lucy says of him that he regarded the House of Commons "with the animosity of a dismissed lover."

"It was Lord Salisbury's whimsical humour," he says, "to regard the House of Commons as a body which, if not absolutely non-existent, was of no importance. Whenever in debate he was compelled to allude to it, he managed to throw into his tone a note of contempt that greatly amused

[68] Fitzmaurice, *op. cit.,* II, 296 f., and Stephen Gwynn and G. M. Tuckwell, editors, *The Life of the Rt. Hon. Sir Charles W. Dilke, Bart., M. P.,* 2 v. (London, 1918), I, 344, 346, 347.

[69] *Annual Register,* 1881, English History, p. 111.

[70] Eversley, *op. cit.,* pp. 157–158.

Commons thronging the Bar, or Privy Councillors standing on the steps of the Throne." [71]

One shortcoming of the land act of 1881, the failure to provide for arrears of rent, required almost immediate amendment. The Arrears Bill of 1882 proposed to induce the landlords to wipe out the remainder of their tenants' arrears in return for an advance of two years' rent by the government. Lord Salisbury succeeded in carrying an amendment making the operation of the act dependent on the consent of the landlord; but when the House of Commons rejected this and other amendments, he was forced to give way because the Irish peers refused to follow him, preferring two years' rent to none at all.[72] This was one of the occasions on which Queen Victoria intervened personally to prevent a clash between the Houses. Salisbury's answer to the Queen's letter—written from France twelve days later—justifies the action he had taken on the ground that it had been agreed upon at a meeting of Conservative peers; that they were acting in concert with the Conservative leaders in the House of Commons; and that one motive for their action was the desire to bring about a dissolution before the government could bring in a reform bill.[73]

Lord Hartington, alarmed by the effects on the Irish, both in parliament and in Ireland, of partisan opposition to Irish measures, wrote to Lord Granville, April 11, 1882:

"They [the opposition] are in such a state of irritation and fear of Gladstone that I believe they will oppose almost anything we propose. It is a very serious thing to have to deal with such a state of things as exists in Ireland in the face of two Oppositions like the Irish and the regular one. And the worst of it is that I believe there is very little real difference between us and the Opposition now on Irish questions. They have accepted the Land Act, for I believe that even the Lords' Committee have not seriously attempted to break down the rent clauses; and there is no difference in principle between us about the extension of the purchase clauses. It seems to me that, in such an alarming condition of Ireland as Mr. Gladstone described last Tuesday, some effort ought to be made to unite the two great parties in an Irish policy and to establish a sort of truce on all other questions till the Irish difficulty is settled." [74]

[71] H. W. Lucy, *Memories of Eight Parliaments,* pp. 120–121. This was the period of Gilbert and Sullivan's *Iolanthe* with its delicious digs at the peerage. It was first produced in London in 1882.

[72] Eversley, *op. cit.,* p. 232.

[73] *Letters of Queen Victoria,* second series, III, 320–327.

[74] Holland, *Life of the Duke of Devonshire,* I, 344.

No such truce was secured, and the Irish question survived to wreck three ministries in succession, to disrupt the Liberal party, and to curb the House of Lords before it was removed from British politics by the bipartisan action of 1922 which conceded dominion status to the Irish Free State. The difficulties of Irish legislation at this period are pretty well described in a sage comment of Macaulay's in the debate on the first Reform Bill:

"Half the logic of misgovernment lies in this one sophistical dilemma:— If the people are turbulent, they are unfit for liberty: if they are quiet, they do not want liberty. I allow that hasty legislation is an evil. I allow that there are great objections to legislating in troubled times. But reformers are compelled to legislate fast, because bigots will not legislate early. Reformers are compelled to legislate in times of excitement, because bigots will not legislate in times of tranquillity." [75]

But in the intervals of Irish agitation, the government did manage to pass a number of useful measures, which Chamberlain, no impartial witness, to be sure, summed up as follows:

"We have abolished flogging in the Army; we have suspended the operation of the odious Acts called the Contagious Diseases Acts; we have amended the game laws; we have reformed the burial laws; we have introduced and carried an Employers' Liability Bill; we have had a Bankruptcy Act, a Patents Act, and a host of secondary measures, which together would have formed the stock-in-trade of a Tory Government for twenty years at least. And these are the fringes only, the outside of the more important legislation of our time, the chief elements in which have been the Irish Land Bill and the Reform Bill." [76]

It was the last-mentioned measure, the Reform Act of 1884, which brought the Houses into the most serious conflict.

The depressed state of English agriculture and the consequent demand of the agricultural laborers for enfranchisement have already been mentioned. Lord Hartington's support of Trevelyan's County Franchise Bill in 1877 led the rural workingmen to expect the enactment of such a measure by the Liberals when next they came into office, and agitation in the form of meetings and petitions had been kept up to remind them of that expectation. When the government finally introduced its franchise bill in the session of 1884, the opposition charged that it was a political manœuver to distract the attention of the country from their foreign policy, particularly in

[75] *Hansard,* third series, IX, 382.

[76] Quoted in the Right Hon. Herbert Henry Asquith, Earl of Oxford and Asquith, *Fifty Years of the British Parliament,* 2 v. (London, 1926), I, 127.

Egypt, and avowed that the reason for postponing redistribution until the franchise bill was carried was to enable them to appeal to the new electorate without redistribution, thus securing a dual advantage over their opponents. There was doubtless much truth in the first charge, possibly a little in the second, although the distribution in force in 1884 was that framed by the Conservatives in 1868, which had never satisfied the Liberals. When the matter was discussed in the cabinet in 1883, Chamberlain had favored immediate extension of the franchise to the whole United Kingdom and postponement of redistribution. Lord Hartington hesitated about extending the franchise to Ireland as likely to strengthen home rule, but urged strongly that franchise and redistribution be treated simultaneously on the ground that separation of the two measures had proved fatal to every reform bill since 1832, including that of 1866. When Gladstone decided to postpone redistribution, avowedly on the ground that it would be impossible to pass the two bills in a single session, Lord Hartington threatened to resign, but was dissuaded by Lord Granville.[77]

When the franchise bill was introduced, Lord Randolph Churchill moved the previous question, but on pressure from Sir Stafford Northcote withdrew his motion in favor of one by Lord John Manners to the effect that extension of the franchise should be accompanied by redistribution. The government, whose majority had sunk at seventeen at the beginning of the session, carried the second reading by a vote at 340 to 210.[78] Before the third reading in the House of Commons, rumors were current that the House of Lords intended to reject the measure, and in his reference to the possible action of the Lords in his speech on the third reading, Gladstone gave great offense in some quarters and brought strong retorts from the opposition benches. He quoted Shakespeare on the proper conduct in regard to quarrels:—

> "'Beware
> Of entrance to a quarrel; but, being in,
> Bear't that th' opponent may beware of thee.'"

In conclusion, he declared that

"even the remote probability of a conflict between the two Houses upon such a question as this I take to be the most serious prospect that has been

[77] Fitzmaurice, *Life of Lord Granville,* II, 320–322.
[78] *Churchill, op. cit.,* I, 338–346.

opened during my recollection since the crisis of the Corn Laws . . . I will not undertake to put a limit to the mischiefs and difficulties which might result. . . . But what the ultimate issue of it will be I have no doubt." [79]

Sir Stafford Northcote, who followed Gladstone, declared that his speech was not a speech on the franchise bill, but

"It was a speech upon the question whether the House of Lords is to be at liberty to examine, and to vote upon, and to take any part in the legislation which affects the Constitution of the country, or whether the House of Lords is bound, at the will of the majority of the House of Commons, or something even worse than that, at the will of an imperious Minister, to listen to threats, and effected by those threats, to refuse to do the duty which lies upon them." [80]

Mr. Arthur Balfour, a member of the Fourth Party and a nephew of Lord Salisbury, spoke in a similar vein:

"If the House of Lords were henceforth to be considered a body incapable of modifying or rejecting a measure of that kind, he would assert that the time for that modification of the Constitution [of the House of Lords] had already arrived; and he, for one, would not lift a finger to protect an Assembly that did not dare, when it thought right, to challenge an appeal to the country." [81]

The fact that the Conservatives allowed the bill to pass without a division, after all this stormy oratory, strengthened the conviction of the Liberals that the redistribution issue was an attempt to postpone an unpalatable measure which they dared not oppose directly; and that they were now counting on their allies in the Lords to do for them what they had failed to do for themselves. From this it was natural to infer that it was not the real independence of the House of Lords which mattered to the Conservatives, but only their independence of the Liberal party.

When the bill reached the Lords toward the end of June, an amendment was moved similar to that of Lord John Manners', and carried against the government. Gladstone announced his intention of reintroducing the bill in an autumn session, and the remainder of the summer was devoted to perfervid oratory and mutual recriminations. The Conservatives, who hoped to force a dissolution under

[79] *Hansard,* third series, CCLXXXIX, 1432 and 1437–1438.
[80] *Ibid.,* p. 1438.
[81] *Ibid.,* p. 1446.

the existing franchise, and trusted in that event to defeat the Liberals on their foreign policy, eloquently defended the propriety of their conduct in referring the question to the decision of the Sovereign People. Liberals, even conservative ones like Lord Hartington, were unanimous in their opposition to dissolution at the instance of the House of Lords. The Queen seems to have favored dissolution, having made confidential inquiries of Lord John Manners as to Conservative expectations in such an event. The correspondence throws an interesting light on the Queen's Tory leanings and the way in which one Tory, at least, sought to encourage them. To the Queen's inquiry, sent through Colonel Lindsay, as to the probable consequences of a dissolution, Lord John replied in part:

"It is not, I think, too much to say that under the proposed franchise, with such a scheme of Redistribution as Mr. Gladstone shadowed forth, neither a Conservative nor any Constitutional Government would be possible except by sufferance of Mr. Parnell and his successors. . . . If the House of Lords quail and fail now, I see no point of future resistance. In my opinion, they ought to have made their stand against the Irish Arrears Act. If they yield now, the future constitution of the country will be the Sovereign and a democratic House of Commons, swayed by some one clever orator, who in his turn will be swayed by eighty or ninety Irish irreconcilables. It is impossible to contemplate without apprehension and deep sympathy the position of the Sovereign under such a polity. Under it none of the safeguards which exist in the United States would be found, and the Sovereign would be left face to face with the chance product of something approaching to manhood suffrage.

"To my mind, the only prospect of safety lies in the exercise of that not common quality—courage; and we have a remarkable and encouraging proof of what that can effect in the history of what happened exactly one hundred years ago.

"The House of Lords had then the courage to throw out the India Bill under circumstances curiously analogous to those of the present moment, and were sustained in their action by the constituencies when appealed to." [82]

To cite as an instance of the "courage" of the House of Lords their action on the India bill, when they withdrew their opposition because of the threat of the Crown's displeasure; and to claim that the election 1784 which cost the Crown seventeen peerages and a

[82] Charles Whibley, *Lord John Manners and his Friends,* 2 v. (Edinburgh, 1925), II, 302 f.

vast expenditure from the privy purse amounted to popular vindication of their action, is certainly making strange use of facts! [83]

When on July 14, 1884, the Queen wrote to Gladstone and expressed regret that the issue had not been submitted to a general election, he replied that—:

"at no period of our history, known to him, has the House of Commons been dissolved at the call of the House of Lords, given through an adverse vote; that in his opinion, the establishment of such a principle would place the House of Commons in a position of inferiority, as a Legislative Chamber, to the House of Lords; and that the attempt to establish it would certainly end in organic changes, detrimental to the dignity and authority of the House of Lords." [84]

The Queen doubtless disapproved of this reply, as she did of Gladstone's speeches in the course of the summer, although they were moderate compared to those of other members of the cabinet, and he himself declared that by means of them he had "been enabled to do much in the way of keeping the question of organic change in the House of Lords out of the present stage of the controversy." [85] The *Labour Standard,* which favored compromise and condemned the efforts of the Radicals to extend the issue, commented on Gladstone's speeches:

"Nothing has been so noticeable in Mr. Gladstone's speeches on the Franchise as his ardent desire to avoid collision with the Lords. Nor is this a sign of weakness, but of generosity on his part; for the immense masses to whom he has spoken have evidently been altogether on his side, and he would have had a comparatively easy task in promoting an agitation against the Upper Chamber. But this he has shown himself distinctly unwilling to do. He is determined to pass the Franchise Bill, but he sees no necessity of abolishing the Lords in order to do this." [86]

Other members of the Cabinet, including Harcourt, Morley, Chamberlain, and Bright, made the most of the opportunity to bring before the public their long-standing grudge against the House of Lords. Morley coined the slogan that the Lords must be "mended or ended"; Bright urged the abolition or restriction of the Lords' veto;

[83] See W. T. Laprade, editor of the *Robinson Papers,* on "Public Opinion and the General Election of 1784" in the *English Historical Review,* XXXV, 224 f.

[84] *Letters of Queen Victoria,* second series, III, 518.

[85] Morley, *op. cit.,* III, 131.

[86] *Labour Standard,* London, Oct. 4, 1884.

while Harcourt and Chamberlain directed their attacks principally against Lord Salisbury as the author of the crisis. Harcourt said of him:

"Lord Salisbury is what the French call a fatal man—that is a man who is fatal to the men he leads and the cause he espouses. He is very fond of historical illustrations. He talked the other day about the Empire of Rome and the Empire of France; but I will give him an illustration nearer home. The origin of Lord Salisbury's race belongs to the famous epoch when the modern greatness of England was founded, but Lord Salisbury has nothing of the masculine confidence in the fibre of the English people which distinguished the councils of Elizabeth; his statesmanship belongs to a later period and is founded upon the model of the Stuart type. His statecraft is that of Laud and his temper that of Strafford. They were all sincere, high-couraged men; but a Charles destroyed the monarchy of which he was the chief; a Laud ruined the Church over which he presided, and a Wentworth lost his order and himself. . . . The desperate resistance which they offered brought them within twenty-four hours of revolution and the twenty-four hours expired. And if Lord Salisbury has imbibed their spirit and intends to imitate their example he is as likely as they were to destroy the Party which he leads and the order to which he belongs." [87]

Chamberlain in a speech at Birmingham referred to Salisbury as "the spokesman of a class—of the class to which he himself belongs—'who toil not, neither do they spin'"—and in a speech at the Devonshire Club he questioned whether Salisbury was not a "Radical in disguise, who conceals under an air of patrician arrogance his deep contempt for his order, and his secret designs for its humiliation." [88] His speech at Denbigh included a more sweeping, and often-quoted condemnation of the Lords:

"The chronicles of the House of Lords are one long record of concessions delayed until they have lost their grace, of rights denied until extorted from their fears. It has been a history of one long contest between the representatives of Privilege and the representatives of popular rights, and during this time the Lords have perverted, delayed, and denied justice until at last they gave grudgingly and churlishly what they could no longer withhold. In the meantime, what mischief has been wrought, what evils have been developed which might have been stayed in their inceptions, what wrongs have been inflicted and endured that ought long ago to have been remedied! We are told that the object of the Second Chamber is to stay the gusts of popular agitation and to give the nation time for reflection. I defy any student of history to point to one single

[87] Gardiner, *Life of Sir William Harcourt*, I, 500.
[88] Joseph Chamberlain, *Speeches*, edited by H. W. Lucy (London, 1885), p. 90.

case in which the House of Lords has ever stayed the gust of public passion, or checked a foolish popular impulse. They have given us time for reflection often enough, and the only result of that reflection has been to excite feelings of regret and indignation at the waste of time, and at the obstacles which have been unnecessarily interposed between the nation and some useful public reform." [89]

The result of all this oratory seems to have been to persuade the peers that there would be no dissolution without a second rejection of the franchise bill, and that involved dangers they did not care to face. Overtures were therefore made to secure some promises or concessions from the government in regard to redistribution. The biographer of the duke of Devonshire thinks the first suggestion of compromise came from Lord Cowper. It was taken up by Gladstone and supported by Hartington and by Hicks-Beach on the Tory side.[90] Their efforts were powerfully seconded by the Queen, now convinced of the gravity of the situation. On August 25, she wrote from Balmoral to her secretary, Sir Henry Ponsonby:

"The Queen sends Mr. Gladstone's Memorandum and must say she is greatly struck by the fairness and impartiality of it, and thinks everything possible ought to be done to avert the dangers which Mr. Gladstone apprehends. He may overrate them and the Opposition vice versa." [91]

A few days later the Queen was less pleased with Gladstone who had been making speeches in Scotland. She wrote her secretary:

"Sir Henry must write somewhat strongly to Mr. Gladstone. He makes very great shows of alarm and anxiety, but goes on agitating by his *constant* speeches at every station, without which the country *would not* be *excited.*
"The Queen is utterly disgusted with his stump oratory so unworthy of his position—almost under her very nose." [92]

But the Queen did not relax her efforts for peace. Throughout the summer and autumn she sought by correspondence and personal communication with the leaders of both parties and influential peers like the duke of Richmond and Gordon and the duke of Argyll to bring about a settlement. The duke of Richmond and Lord Cairns brought pressure to bear upon Salisbury, who only gave way when their view that the franchise bill ought not to be thrown out and

[89] *Ibid.*, pp. 95–97.
[90] Holland, *op. cit.*, II, 51–58.
[91] *Letters of Queen Victoria,* second series, III, 531.
[92] *Ibid.,* III, 539.

compromise ought to be come to on redistribution was supported by a meeting of Conservative peers called to discuss the question.[93] When the Queen first proposed a meeting between Salisbury and Gladstone, Granville demurred, doubting its advantage unless "everything is as good as settled. He is afraid that two tails, but no Redistribution Bill, would be left." But when the meeting took place, each bore testimony to the conciliatory spirit of the other.[94] As a result of the negotiations between the leaders, the Tories were satisfied as to the government's intentions on redistribution, and agreed to pass the franchise bill early in December and the redistribution bill after Christmas. Curiously enough, the modifications made in redistribution to satisfy Tory views were all in a radical direction. When it was presented to the cabinet, after modification, it met with opposition as being too radical and was defended by Dilke and Chamberlain, who thus found themselves in agreement with Salisbury.[95]

Probably no one regretted the settlement except the Radicals who wanted to enlarge the issue and "mend or end" the House of Lords; and Lord Salisbury. The Queen recorded in her Journal an interview with him after the agreement was come to.

"Lord Salisbury seemed rather depressed and evidently not exactly pleased at the peaceable arrangement. I said it was a great thing, and he answered, 'I think we could have made a good fight,' to which I replied, 'But at what a price!' He seemed then to agree; spoke in very warm terms of Mr. Gladstone, Lord Granville, and Sir C. Dilke, saying they had been very conciliatory and pleasant to deal with." [96]

To the Radicals the peaceful settlement in 1884 was merely a postponement of the larger and more vital issue of the modification of the constitution and powers of the House of Lords. This view is

[93] *Ibid.*, III, 582.

[94] *Ibid.*, III, 567.

[95] Gwynn and Tuckwell, *Life of Sir Charles Dilke*, Chapter XXXVI. Dilke was chief draftsman of the Redistribution Bill and found before any formal conferences took place that his original draft was more moderate than Tory proposals, and the draft was therefore modified. He subsequently took part in the negotiations with Salisbury and the final bill was practically agreed upon on the basis of these negotiations.

[96] *Letters of Queen Victoria*, second series, III, 584. Sir William Harcourt writing to the Queen on November 23, 1884, testified to her share in the successful pacification of the quarrel, saying it showed "how powerful is the influence of the Crown constitutionally exercised to avert by its authority and mediation dangerous political conflicts and to sustain the organic institutions of the country." Quoted in Gardiner, *Life of Sir William Harcourt*, I, 533.

expressed by Bright with his usual spirit in a letter written to J. P. Hartley, July 18, 1884, in which he says:

"The question is not one of the franchise bill only; that bill will not be defeated or long delayed. There has arisen another and greater question. Shall the House of Lords subject to its will the ministry, which represents the crown, and the House of Commons, which represents the nation? Shall the policy of a great and free country be thwarted by men sitting in their hereditary chamber, who are there not by right of votes given them, and through whom the voice of the millions of the United Kingdom is not heard? Their veto is a constant insult to the House of Commons, and if the freedom of our people is not a pretense and a sham, some limit must be placed upon a power which is chiefly manifested in and by its hostility to the true interests of the nation. A parliament controlled by hereditary peers is no better, perhaps it is worse, than a parliament influenced by and controlled by a despotic monarch. Ask your friends to consider this question seriously. Let them join with their countrymen in demanding a change which shall free the House of Commons from fetters as humiliating to it as they are injurious to the country." [97]

The conviction expressed in Bright's letter had been growing upon the Radical members of parliament ever since Gladstone's first ministry, and experience since 1880 had merely sharpened it. In 1882 Labouchère moved in the words of the Long Parliament "That the House of Lords is useless, dangerous and ought to be abolished." When objection was made to these words it was modified to read "That the House of Lords is unnecessary, obstructive and dangerous." No quorum was present, and therefore no vote was taken.[98] In 1883 Bright made a proposal at a meeting of the Federation of Liberal Associations in Leeds which was to reappear in 1907 and 1911. He proposed that if a bill, after rejection by the Lords, was repassed by the Commons in a later session of the same parliament, it should receive the royal assent even if the Lords again rejected it.[99] Chamberlain favored Bright's suggestion at the time, and it gained increasing favor among the Liberals and those of the Radicals who thought a second chamber necessary. Its importance lies in its emphasis on the relations between the Houses, rather than on the composition of the Upper House. The Tory reply to the advocacy of a suspensory veto was that it already existed—that the House of Lords could only suspend decision until the people had spoken, and that they claimed nothing more. But there was a difference be-

[97] Bright, *Public Letters,* pp. 224–225.
[98] *Hansard,* third series, CCLXVII, 388.
[99] John Morley, *Recollections,* 2 v. (New York, 1917), I, 198.

tween's Bright's view, which would permit a measure to be passed by a single parliament, in spite of the Lords' opposition, and the Tory view which required a dissolution whenever the Lords chose to question the "mandate" of the Commons. The Liberal leaders showed very clearly in 1884 what they thought of the Lords' claim to force a dissolution. No solution of the problem was to be found in that direction so long as the House of Lords contained an overwhelming majority of one party and used it for partisan ends.

The quarrel over the franchise bill served to center public attention on the relations between the Houses, and to call forth a great variety of opinions. A crop of pamphlets almost equal to that of 1831–32 appeared; and the principal monthlies and quarterlies were filled with articles discussing the second chamber question in all its phases.

The tendency shown in most of these articles which appeared in 1884 was to disregard the obvious need to regulate the relations between the Houses and to seek a remedy in a modification of the membership of the House of Lords which would bring it into closer touch with the House of Commons and the country. Practically all of the suggestions involved a modification of the hereditary character of the House either by extending the representative principle, or introducing life peers, or both. The earl of Dunraven suggested the creation of life peerages, some to be drawn from the colonies; the extension of the representative principle to the whole hereditary peerage, with provision for the representation of minorities; and a reduction in the total numbers of both temporal and spiritual peers. Peers not elected to the House of Lords should be eligible to the House of Commons.[100] The suggestion of Viscount Lymington was very similar. The temporal and spiritual peers were to form electoral colleges to choose representatives and the group so chosen was to be supplemented by nominated peers, some of them colonials, to serve for a limited number of years.[101]

Lord Bryce, then a Liberal M. P., referred to the fact that political philosophers had been preaching for half a century that it was a question of reform or ruin for the House of Lords, but it took the action of Lord Salisbury to make it a practical issue. Himself a strong believer in the bicameral system, Bryce declared:

[100] Earl of Dunraven, "The House of Lords, I, Its Reform," *Nineteenth Century,* XV, 200.

[101] "The Opportunity of the Peers," *Nineteenth Century,* XVI, 451.

"The House of Lords cannot go on as it is. No one outside its walls can deny that it is a bad second Chamber. . . . During the last thirty years it has shown itself useless for all good purposes, powerful only for mischief. It has not prevented a single bad law, nor improved a single good one. It has maimed, delayed, and sometimes fatally delayed, measures whose value lay in their completeness or in their taking instant effect. . . .

"The warmest theoretical advocate of a divided Legislature may admit that if he had to choose between continuing the House of Lords as it is or abolishing it, he would vote for abolition."

Bryce thought nothing short of radical reform providing for election would be adequate or desirable. But he pointed out that privileged castes "never reform themselves," and predicted that the House of Lords would reject all suggestions of reform "until a democratic leader, with a strong majority behind him, uses the impatience and disgust of the people to overthrow the hereditary Chamber." Therefore it behooved those who valued a second chamber to secure drastic reform while it was still possible.[102]

The earl of Pembroke, a Conservative peer, was equally convinced of the necessity for reform and urged his leaders to find a solution before one was forced upon them. Fearing that to make the whole body elective would only increase the chances of conflict with the House of Commons, he suggested the creation of life peers, with or without the extension of the representative principle. The greatest danger to the security of the Lords, he considered, lay in the development of party organization and partisan action.

"It must never be forgotten that whenever the House of Lords comes to be seriously regarded as the mere instrument of the political party which happens to predominate within its walls, its doom is sealed. The party to which it is hostile will sweep it away the first time that it obtains a large majority at the polls, and there will be no one to say it nay." [103]

The Marquis of Salisbury favored change, but only such change as would strengthen the House of Lords. In a speech at Glasgow in October, 1884, he spoke admiringly of the American Senate and said "I wish we could institute it in this country." [104] It was proposed reform of the Salisbury variety that made many Liberals and Radicals oppose all reform as likely to aggravate the friction between the

[102] "Do we need a Second Chamber?" *Contemporary Review,* XLVI, 718 f.
[103] "Reform of the House of Lords," *Nineteenth Century,* XVII, 237.
[104] *Speeches of the Marquis of Salisbury,* edited by H. W. Lucy (London, 1885), p. 118.

Houses. A House reformed on such a basis, in the view of many on the Liberal side, would lay claim to greater powers, or use those it already had more ruthlessly, while the unreformed House, they felt, would lose prestige to such an extent that it would not dare to use its power and would sink into gradual harmlessness through atrophy.[105]

Others frankly advocated abolition as the only adequate remedy. Dilke and Jesse Collings, Chamberlain's satellites, were among these. Labouchère held the same view, but was willing to compromise with the two chamber advocates provided the hereditary element was wholly eliminated. With Bradlaugh, Sir Wilfred Lawson and Professor Beesley, Labouchère organized a Democratic Committee for the Abolition of the House of Lords during the agitation over the franchise bill.[106] Mr. George Howell was convinced that the House of Lords as a check upon legislation was wholly unnecessary:

"Have not the people to agitate and demonstrate for years before an Act can be got through the House of Commons? . . . The constitutional and other checks are numerous enough without the deadweight of an Upper House. . . . Human progress is slow enough in all conscience. The combined efforts of all who are anxious for the welfare and prosperity of the people cannot move the state-created machinery of legislation beyond a creeping pace, and the path is so tortuous and rough, and so beset with difficulties and vested interests, that we are only just able to move at all." [107]

Beyond a renewal of Labouchère's motion in the House of Commons, when it mustered seventy-one votes, and an unsuccessful motion by Lord Rosebery in the House of Lords for a select committee "to consider the best means of promoting the efficiency of this House," the lively discussion of House of Lords reform left no mark on parliament.[108] But the agitation and the causes which led to it had converted many into belief in the necessity for curbing the powers of the Lords and bringing them more into harmony with the nation. Home Rule and the revival of Socialism were to add new converts to this view.

[105] For example, "People, Parliament and Peers," *Fortnightly Review*, XXXVI, n. s., 332.

[106] R. H. Gretton, *A Modern History of the English People, 1880–1910*, 2 v. (Boston, 1913), I, 137.

[107] "The House of Lords and the Country," *Nineteenth Century*, XVI, 189.

[108] *Hansard*, third series, CCXCIV, 141, and CCLXXXIX, 937.

CHAPTER V

The End of the Gladstonian Era, 1885–1895

Part I. Home Rule

"'My dear sir, so far as the Conservatives are concerned, if Home Rule and the Home Rule question did not exist, it would be advisable to invent them. The English electorate would have been in full cry after some infernal reform in England—the land, or the church, or the House of Lords—but for the Home Rule question. So long as we can keep the Home Rule question on the run, we are not such fools as to bring its valuable existence to an untimely close. God save Ireland! May she never cease from troubling and never be at rest.'"

Sir William Marriott.[1]

From first to last Gladstone's second ministry had been an extraordinarily troubled one. Simply to mention Bradlaugh, Kilmainham, Phoenix Park, Majuba, Khartoum and Alexandria is to call to mind a series of incidents resulting in political crises such as few ministries have survived. Added to external difficulties were the dissensions within the cabinet and the party resulting in constant friction and a succession of resignations. The duke of Argyll and the duke of Bedford went out on the Irish land bill, Lord Lansdowne on the arrears bill, Forster over Kilmainham, Bright on the bombardment of Alexandria, and Dilke and Chamberlain on Irish coercion, though in the last case their resignations were suspended. Having weathered so many storms, it looked in the spring of 1885 as though the ministry might survive for its full legal term. The fact that the preparation of the new register necessitated by the franchise act would prevent a dissolution before November was in their favor. Gladstone himself could speculate hopefully on the chances of survival. Writing to his wife on May 1, 1885, he said:

"As to all the later history of this ministry, which is now entering on its sixth year, it has been a wild romance of politics, with a continual succession of hairbreadth escapes and strange accidents pressing upon one

[1] Quoted by O'Donnell in his *History of the Irish Parliamentary Party*, II, 107, from a conversation with Sir William in which O'Donnell had expressed surprise that the Conservatives had not aided the settlement of the home rule question.

another, and it is only from the number of dangers we have passed through already, that one can be bold enough to hope we may pass through what yet remain. Sometime ago I told you that dark as the sky was with many a thunder cloud, there were the possibilities of an admirable situation and result, and for me a wind-up better than at any time I could have hoped. Russia and Ireland are the two *great* dangers remaining." [2]

The following day brought good news from Russia, but there was still Ireland.

Ireland had already occupied a large measure of the government's time and energy. When they took office in 1880 the activities of the Land League led to the passage of a drastic coercion act, accompanied by a new land act, establishing a land court for the revision of rents and introducing the principle of land purchase. Unduly restricted in its scope by the conservatism of the government and still further by the Lords' amendments, the land act of 1881 failed to put a stop to agrarian agitation and outrage. With the imprisonment of Parnell in Kilmainham, "Captain Moonlight," as he had predicted, took charge, and disorders increased. This led to negotiations with Parnell, resulting in his release on the promise of helping to make the land act work —provided the government introduced an arrears bill to mend its greatest flaw. This so-called Kilmainham treaty led to Forster's resignation and the appointment of Lord Frederick Cavendish to succeed him. Lord Frederick had no sooner assumed his duties than he was brutally murdered in Phoenix Park, Dublin, by assassins belonging to an organization hostile to Parnell. The immediate result was the passing of a still more drastic coercion act, which enabled Lord Spencer to find and punish the assassins, but which so infringed the rights of honest citizens that it came to be regarded as almost equally odious by the Irish and by fair minded Englishmen of all parties. The arrears bill, reluctantly passed by the Lords in 1882, improved conditions somewhat; but the rents fixed by the court were too high in view of the falling prices for agricultural products. Evictions still occurred and led to the adoption of boycotting. In view of these conditions, the cabinet was considering the extension of land purchase, and the grant of local government as the next steps to be taken.

Gladstone's mind had been moving more and more toward local government at least since 1880, when he wrote the Queen:

"The Cabinet is inclined to enter upon a third branch of Irish policy and to recommend measures for the promotion of local self-government in

[2] Morley, *Gladstone,* III, 186.

Ireland. It is the result of long centralization, and of the want of habits and traditions belonging to a different system, which has led to the deplorable exhibition now presented to us by the orderly as well as the disorderly population of Ireland, the abject helplessness of the one vying with the misguided passion of the other." [3]

Two years later, speaking in opposition to a motion for the repeal of the Irish union, he expressed himself strongly in favor of local government, provided the supremacy of the imperial parliament was retained. The Queen was alarmed lest these views should encourage home rule agitation. Gladstone defended his action, cited the change of sentiment in regard to self-government in the course of the century, and said he had expressed similar views at the Guildhall, in Midlothian, and in the House of Commons under the last two governments.[4] A few months later he summarized his views in a letter to Forster. In this he argued that without self-government, every plan framed for Ireland was regarded by Irishmen as an English plan, and as such, condemned; that the only way to create a sense of responsibility for the public good and public order was through local self-government; and as to the fitness of the Irish for such self-government, "It is liberty alone which fits men for liberty." [5] The other events referred to above postponed the question of local government, but in the spring of 1885 it was under consideration as an alternative to or an accompaniment of renewed coercion.

The coercion act of 1882, unless renewed, would expire automatically in August, 1885. The Whig section of the cabinet, including the viceroy, Lord Spencer, desired the renewal of the coercion act in a milder form, accompanied by a land purchase bill and the establishment of local government in county and provincial areas. The Radicals were opposed both to land purchase and to a renewal of coercion, but were willing to consent to modified coercion provided the grant of local government included a national council, chosen by the local bodies, and exercising administrative control over the whole of Ireland. Gladstone sided with the Radicals, and would have gone farther, granting to the national council control of the police. This was stated in letters both to the Queen and to Hartington.[6] When Chamberlain's

[3] *Letters of Queen Victoria,* second series, III, 172.
[4] *Ibid.,* III, 259–262.
[5] Morley, *op. cit.,* III, 58–59.
[6] Morley, *op. cit.,* III, 190–197; and *Letters of Queen Victoria,* second series, III, 652–657, and 679. Gladstone's letter of May 23, 1885 (III, 652–655), which he wrote to give Her Majesty "some idea of the shades of opinion existing in the

proposal for a national council came before the cabinet, the pros and cons were almost equally divided. As Dilke noted in his diary for May 9, 1885:

"Harcourt having come over, Chamberlain's scheme received the support of all the Commoners except Hartington, and was opposed by all the peers except Lord Granville. Mr. Gladstone said to me in leaving the room: 'Within six years, if it pleases God to spare their lives, they will be repenting in ashes.'" [7]

Thanks to the opposition of the peers, local government on a scale which might have satisfied the Irish, at least as a first step, was postponed; and the Radicals in the cabinet reluctantly agreed to the renewal of coercion in a modified form.

The Conservatives had been confident for some time that if they could only overturn the government in the House of Commons, they could defeat them at the polls on their foreign policy. Gladstone's notice on May fifteenth of the partial renewal of coercion furnished the desired opportunity. Some of the Tories, notably Lord Randolph Churchill, had been angling for Irish support by denouncing coercion. Immediately following Gladstone's notice Lord Randolph in a speech at the Conservative Club declared himself profoundly shocked by the Liberal announcement; and speaking on May twentieth at St. Stephen's Club, he intimated that a Tory government would not think it necessary to renew coercion.[8] Describing the events of this period in a letter to Lord Justice Fitzgibbon a year later, Lord Randolph wrote:

"There was no compact or bargain of any kind, but I told Parnell when he sat on that sofa [in Lord Randolph's house in Counaught Place] that if the Tories took office and I was a member of the Government, I would not consent to renew the Crimes Act. Parnell replied, 'In that case, you will have the Irish vote at the Elections.'" [9]

Cabinet with reference to legislation for Ireland," and in which he confessed his own sympathy with the Radical section and made a strong plea for local government, seems to be the so-called "memorandum on Home Rule" to which reference is sometimes made, and which the Queen showed to Salisbury. The Queen's only reply to Gladstone on the subject seems to have been a telegram from Balmoral, June 8, 1885: "Trust you will be very firm about the Crimes Bill, and on no account give way upon it to the Radical members of the Cabinet; and pray be very cautious to say very little or nothing about Local Government." (III, 655.)

[7] Gwynn and Tuckwell, *Life of Sir Charles Dilke,* II, 132.

[8] Eversley, *op. cit.,* p. 263; and Churchill, *Life of Lord R. Churchill,* I, 390.

[9] Churchill, *op. cit.,* I, 395.

When, therefore, the government was defeated on June eighth by combined Tory-Irish opposition to the budget, every one realized that coercion and not spirit duties was the real issue.[10]

The Irish party interpreted Tory opposition to coercion as sympathy with home rule, and the Tories took pains not to blast their hopes until after the election. There were very real advantages in securing a home rule bill from the Tories rather than from the Liberals. That the Irish leaders were well aware of this is shown in the following letters of Timothy Healy to Labouchère, which serve to explain in part the ingratitude of the Irish to the Liberals in 1885. Writing on May 25, 1885, Mr. Healy said:

"If we supported your party next time, the Lords would throw out or render useless any Bill the Commons passed, and time has proved that the Whigs won't face the Lords. If that institution were abolished we should be great fools not to be friendlier with the Liberals, but they are almost powerless to help us, even if they were sincere, so long as the Lords are all powerful." [11]

Writing again on October sixteenth, Mr. Healy said:

"It is no use discussing it from any other than the expediency standpoint. We have to make the best fight we can for a small country, and clearly, if we could put the Tories in and hold them dependent on us, that is our game. With the House of Lords behind them and our help, they could play ducks and drakes with the Union, were they so minded." [12]

It is tempting, in view of the Tory attitude toward coercion and home rule before June, 1885, and after December of the same year, to characterize their brief Irish flirtation during those months as a mere electioneering dodge. But, cynical as Lord Salisbury undoubtedly was, it would seem like carrying cynicism beyond even Salisburian limits to appoint to the office of viceroy, with a seat in the cabinet, a man whom he knew to favor home rule, unless he intended to base his Irish policy upon those views. Lord Carnarvon had written to Salisbury in February, 1885:

[10] See Whibley, *Lord John Manners and His Friends,* II, 307, in which Lord John's memorandum shows the amendment on which the government was defeated was carefully framed by himself and Sir M. Hicks-Beach.

[11] Algar Labouchère Thorold, *Life of Henry Labouchère* (New York, 1913), p. 252.

[12] *Ibid.,* p. 259.

"Our best and almost only hope is to come to some fair and reasonable arrangement for Home Rule." [13]

Following the defeat of the Liberals, Salisbury met Manners and other members of the Tory front bench in the House of Commons at luncheon on June eleventh to discuss the possibility of forming a cabinet. Lord John Manners records that on this occasion Salisbury

"asked us to consider whether in dealing with the Irish problem that country could be divided for local government and private bill purposes into four provinces, with a central Court of Appeal." [14]

Such a suggestion sounds not unlike Chamberlain's proposal which the Whig peers had rejected. When the Tory government was formed, Carnarvon was appointed lord lieutenant. In his speech on taking office, he announced that the coercion act would not be renewed on its expiration, and that he proposed to introduce a land purchase bill. The subsequent portions of the speech were not only conciliatory, but hinted strongly at the grant of local government.

"So far as the larger field of government which includes law, and more than law, is concerned, I hope we shall deal justly, and that we shall secure perhaps, a somewhat better, wholesomer and kindlier relation, I will not say merely between classes, creeds or races, but between the rulers and the ruled. . . . My lords, I do not believe, that with honesty and singlemindedness on one side, and with the willingness of the Irish on the other, it is hopeless to look for some satisfactory solution of this terrible question. . . . And just as I have seen in English Colonies across the sea a combination of English, Irish and Scottish settlers bound together in loyal obedience to the law and the Crown, and contributing to the general prosperity of the community, so I cannot conceive that there is any irreconcilable bar here in their native home and in England to the unity and the amity of the two nations." [15]

Lord Carnarvon's conciliatory speech was echoed by Sir Michael Hickes-Beach, leader of the government in the Commons, and by Lord Salisbury in a speech at the Mansion House on July 29.[16]

The Queen, to whom Salisbury had written that coercion was to be abandoned "on the report of Lord Carnarvon and Lord Ashbourne,

[13] Sir Arthur Henry Hardinge, *Life of Henry Howard Molyneux Herbert, fourth earl of Carnarvon, 1831–1890,* edited by Elisabeth, countess of Carnarvon, 3 v. (New York, 1925), III, 151.

[14] Whibley, *op. cit.,* II, 307–308.

[15] *Hansard,* third series, CCXCVIII, 1658–1662, July 6, 1885.

[16] Thorold, *op. cit.,* p. 256.

fortified by that of the Irish Law Officers," expressed misgivings about such action. Writing to Salisbury on July 18, 1885, the Queen said:

"She cannot refrain from expressing her great regret at the language of Lord Randolph Churchill with respect to Lord Spencer.

"Any attempt to have any communication with Mr. Parnell and his party she would greatly deprecate, and he [Lord Salisbury] must not forget the so-*called* Treaty of Kilmainham.

[A paragraph followed referring with admiration to Lord Spencer's administration.]

"The Queen has her very great doubts about the policy of governing without any additional powers; and it does look very like trying to cajole the Nationalists, who she feels *every one* but Lord Randolph Churchill in the Cabinet *must know* are *totally unreliable*. . . .

" . . . When in opposition the present government strongly supported and applauded the measures of repression and of preservation of life which were so loudly called for in '82, and she would greatly deprecate any appearance of weakness now.

"Their [The Nationalists'] apparent support of the present Government is only to be traced to their bitter hatred of Mr. Gladstone and Lord Spencer when they did their duty." [17]

In spite of the Queen's expressed disapproval of any dealings with Parnell and his party, Salisbury, before the close of the same month, agreed to the holding of a private interview between Lord Carnarvon and Parnell. The fact of the meeting and its outcome were withheld not only from the cabinet as a whole but from Sir Michael Hicks-Beach and the Queen. The subsequent versions of what took place at the meeting differed widely on the part of the two principals. Parnell claimed that Lord Carnarvon had said

"that only by the concession of an Irish Parliament could the Irish question be settled, and that it was to be a Parliament, and that it was to be called a Parliament, and that it was to have most extensive powers, even going as far as the right of protecting Irish industries by the imposition of protective tariffs." [18]

Lord Carnarvon admitted that these words had been used at the interview, but declared that they came from Parnell and not from himself.[19] It will be noticed by any one who reads attentively Carnarvon's statements of 1886 and 1888 in regard to the Parnell interview, that while he denies having given any promise or assurance that the government

[17] *Letters of Queen Victoria,* second series, III, 685 and 687.
[18] *Hansard,* third series, CCCXXII, 336, Feb. 13, 1888.
[19] *Ibid.,* CCCXXV, 1178–1179.

would concede an Irish legislature, he does not specifically deny that he himself favored such a concession. If, as seems likely, he told Parnell that he personally favored some form of Home Rule, Parnell may well have believed—no matter how Carnarvon stressed the fact that he acted solely on his own responsibility—that, knowing his views, Salisbury would not have appointed him lord lieutenant unless he intended to act in accordance with them.[20]

Whatever the facts of the interview, Parnell evidently left it confident of Tory support for home rule, and as his confidence increased, his demands rose. In a speech at Dublin on August twenty-fourth, he declared legislative independence to be the one plank in the Irish platform. This declaration was condemned by the Liberal press in England and by both Radicals and Whigs like Chamberlain and Lord Hartington. The cautious reticence of Gladstone and his expressed desire for a majority independent of Irish support were interpreted by the Irish as a sign of opposition.[21] Meanwhile the Tories in their election addresses either avoided any mention of home rule, or, like Lord Salisbury, speaking at Newport on October seventh, seemed to hint approval. Misled by Tory strategy, Parnell, on November twenty-first, issued a manifesto to the Irish voters in Great Britain calling on them to support the Tory candidates. The result was to offset by Liberal losses in the towns the gains made in rural districts on account of Mr. Chamberlain's "unauthorized" program. Lord Eversley estimates the number of Liberals defeated as a result of Parnell's manifesto to have been twenty to forty.[22] The manifesto not only urged the support of Tory candidates, but it was, according to Viscount Gladstone, "an offensive, provocative, and unqualified philippic against the Liberal party." [23] Speeches by Nationalists in the constituencies in a similar vein provoked retaliation from Liberals, with the result that when Gladstone espoused home rule, some of his followers found themselves precluded from supporting him by the statements made during the

[20] Cf. Carnarvon's two statements, *Hansard,* third series, CCCVI, 1256 f., and CCCXXV, 1178–1179.

[21] According to Balfour, Gladstone "came round to Home Rule after the rejection of the more moderate schemes that he had urged on his Government. But he kept silence during the election, not, as Lord Gladstone suggested, because that would look like asking for the Irish vote, but because he wanted to have as strong a party as possible to carry Home Rule." Review of Balfour's "Chapters of Biography" in *Manchester Guardian Weekly,* October 17, 1930, p. 314.

[22] Eversley, *op. cit.,* p. 284.

[23] The Right Hon. the Viscount Gladstone, *After Thirty Years,* Third and revised impression (London, 1929), p. 284.

election on the provocation of Nationalists.[24] Radicals, for the most part, devoted their election speeches to the advocacy of Chamberlain's program of progressive legislation for England, or, if they mentioned Ireland, spoke in favor of local government. On June thirteenth Dilke and Chamberlain both spoke at the Cobden Club dinner. Sir Charles

"advocated 'destroying the monopoly in land' and 'establishing an Irish control of Irish affairs.' Chamberlain advocated 'some great measures of devolution by which the Imperial Parliament shall retain its supremacy, but shall nevertheless relegate to subordinate authorities the control and administration of their local business,' and added: 'I think it is a consolation to my right honorable friend as well as to myself that our hands are free, and that our voices may now be lifted up in the cause of freedom and justice.' " [25]

On July seventeenth, at Holloway, Chamberlain said that "the pacification of Ireland at this moment depends, I believe, on the concession to Ireland of the right to govern itself in the matter of purely domestic business." After comparing English rule in Ireland to Russian rule in Poland, he declared that "the time has come to reform altogether the absurd and irritating anachronism which is known as Dublin Castle. That is the work to which the new Parliament will be called." [26] It is true that Chamberlain condemned Parnell's demand for an independent legislature in August, but "independent" is a matter of interpretation, and no one expected from his statements during the campaign that Chamberlain would be found among the irreconcilable opponents of home rule.

The election was held late in November. When the returns were in, it was found that the Liberals had 333 seats, the Tories, 251, with eighty-six Nationalists holding the balance between them. The sincerity of the Tory encouragement of Irish hopes was promptly put to the test. Disappointed at the results of the elections, the Tories seem to have quarreled with the Irish as early as November thirtieth, and it is certain that any thought of supporting home rule had been abandoned before parliament met. This was not for want of supporters of home rule in the cabinet, for a few months' experience as lord lieutenant had convinced Lord Carnarvon that the government could not be carried on without some step in that direction. His views were presented to

[24] *Ibid.*, pp. 289–290. Sir Henry James, to whom Gladstone offered the woolsack, was one who found himself in this case.

[25] Gwynn and Tuckwell, *op. cit.*, II, 146 note.

[26] Quoted in Eversley, *op. cit.*, p. 279.

the cabinet on December eleventh when he urged the appointment of a joint committee of both Houses to consider the relations of Ireland and England, ascertaining in advance, if possible, "whether we should have the support of any or all of the leaders of the Opposition." The majority of the cabinet rejected Carnarvon's policy, and he thereupon resigned but consented to withhold the announcement until parliament met.[27] Lord Randolph Churchill and Mr. W. H. Smith were among the opponents of Carnarvon's policy, the reason being given in a letter of Lord Randolph's to Lord Salisbury:

"If we go out merely on the ground of our Parliamentary position, we remain for all purposes of opposition to Home Rule as a party totus teres atque rotundus, but if that blessed man sets the signal of concession flying, our party will go to pieces, as it did on the Irish Land Act. The only hope for the country is to keep this present Tory Party well together; and, unfortunately Lord Carnarvon has it once more in his power, as on two former occasions, to disintegrate, demoralize, and shatter." [28]

Lord Salisbury's letter to the Queen reporting on the cabinet meeting at which Lord Carnarvon's proposals were discussed was not altogether ingenuous. After stating that the cabinet had decided to meet parliament, but to challenge a vote of confidence as early as possible, he continues:

"The Irish question was then considered with the assistance of explanations from the Viceroy and the Lord Chancellor of Ireland. It was resolved that, though in some form or other the legislation in regard to Local Government which was passed for England would necessarily be extended to Ireland, it was not possible for the Conservative Party to tamper with the question of Home Rule. Lord Carnarvon expressed his earnest desire to retire from his office, in accordance with the understanding entered into with him when he took it. The feeling of the cabinet, however, was that at this moment such a retirement would be misunderstood; and he was very strongly pressed to remain for the sake of the peace of Ireland." [29]

[27] Hardinge, *Life of Carnarvon,* III, 260–261, where Carnarvon's memorandum is given in full.

[28] Churchill, *op. cit.,* II, 21.

[29] *Letters of Queen Victoria,* second series, III, 710–11. Though Salisbury carefully refrained from mentioning the home rule leanings of Carnarvon and Ashbourne, the Queen seems to have learned of them, for Sir Henry Ponsonby, writing to her on December 23, 1885, said:

"Sir Henry Ponsonby was surprised to see it also stated in the *Times* that Lord Carnarvon held peculiar views on Ireland—with Lord Ashbourne—as he imagined this was strictly secret." *Ibid.,* III, 717.

The absence of correspondence about Irish policy during the seven months of Salisbury's first ministry has puzzled readers of the Queen's recently published letters. Mr. Buckle's explanation that no such correspondence exists in the Windsor archives does not help greatly in clearing up the mystery.[30] Perhaps a clue is to be found in Salisbury's cryptic letter just quoted, which discloses neither the nature of Carnarvon's and Ashbourne's advice in regard to Ireland, nor the real reason for Carnarvon's resignation. We know from Hardinge's biography of Carnarvon that the Queen was not told about the Parnell interview. A paragraph in a letter to Salisbury of October 6, 1885, suggests that the Queen wanted news of Ireland:

"The Queen feels very anxious about Ireland and would be [*sic*] very glad if she could have seen Lord Carnarvon before he returned to Ireland." [31]

Except for Salisbury's letter announcing the decision not to renew coercion and the Queen's reply questioning the wisdom of the decision, the two letters quoted above constitute the only correspondence on Irish policy passing between Salisbury and the Queen between June and December, 1885, to be found in Mr. Buckle's volume. Is it not likely that Tory support of home rule being, in his view, contingent on success at the polls, Salisbury deliberately kept the Queen in the dark as to the policy under contemplation? An obvious motive for such action would be the avoidance of the Queen's displeasure in case election results were unfavorable and the proposed policy abandoned. The Queen was hostile to home rule and Salisbury knew it. Why handicap the party by incurring her displeasure before any policy was definitely agreed upon by the cabinet? Such an explanation admits of the belief for which there seems good evidence, that given victory at the polls, Salisbury intended to bring in a measure of local government for Ireland. It fits in also with his subsequent opposition to the grant of home rule by the Liberals. As he said to Sir William Hart Dyke, his Irish Chief Secretary,

"The possible from a party point of view was quite separate from the advisable for the future of Ireland." [32]

[30] Mr. Buckle's explanation was elicited by the inquiries of Viscount Gladstone and is quoted in an editorial in the *Manchester Guardian Weekly* of January 11, 1929.

[31] *Letters of Queen Victoria,* second series, III, 700.

[32] Gladstone, *After Thirty Years,* p. 402. According to the review, the late Lord Balfour in his recently published "Chapters of Biography" explains that "in

Gladstone's offer of Liberal support in case the Tories brought in home rule seems to have been made after the cabinet had heard and rejected Lord Carnarvon's proposals. Even if it had been made earlier, it seems probable that the inability of Gladstone's enemies to believe in his sincerity would have prevented the Tories from acting upon it. Following a conversation with Balfour at Eaton, Gladstone wrote him on December twentieth, and again on December twenty-third, proffering such support as the Liberals had given on Balkan and Afghan questions. To the first letter, Balfour wrote in reply:

"If the ingenuity of any ministry is sufficient to devise some adequate and lasting remedy for the chronic ills of Ireland, I am certain that it will be the wish of the leaders of the Opposition, to whichever side they may belong, to treat the question as a national and not as a party one;"

but he added that such non-partisan action was easier in regard to Roumelia and Afghanistan than when "dealing with an integral part of the United Kingdom." [33] Balfour's reply to the second letter politely declined to indicate before the meeting of parliament what the government's plans were. Other Tories did not receive Gladstone's offer so politely as Balfour. The comment of one Tory minister was " 'His hypocrisy makes me sick' "; and Lord Randolph Churchill wrote to Labouchère on December twenty-fifth in this pleasing Christmas spirit:

"Very Private. G. O. M. has written what is described to me as a 'marvelous letter' to Arthur Balfour, to the effect that he thinks it will be a public calamity if this great question shall fall into the line of party conflict, and saying that he desires the question should be settled by the present Government. He be damned!" [34]

Lord Carnarvon was not present at the cabinet meeting at which Gladstone's letters were discussed and his offer contemptuously rejected.[35]

Perhaps one reason for the rejection of Gladstone's offer was that

1885 Salisbury was only interested in foreign questions; that he was in complete disagreement with Carnarvon about Ireland, though he made him Irish Viceroy; that in consequence he did not talk to Carnarvon on the subject." This hardly seems credible, and if true would do nothing to increase Salisbury's reputation as a statesman. But Balfour was not private secretary to his uncle at this time, but president of the Local Government Board, and he may not have been well informed. *Manchester Guardian Weekly,* October 17, 1930, p. 314.

[33] Gladstone, *op. cit.,* pp. 396–8. Gladstone's letters and Balfour's replies are given in full.

[34] Churchill, *op. cit.,* II, 29–30; and Thorold, *op. cit.,* p. 289.

[35] Hardinge, *op. cit.,* III, 209–210.

the flying of the "Hawarden kite" on December seventeenth had revealed a more congenial way of "dishing the Liberals." [36] This seems to be the explanation of Lord Randolph's reported reply when he was asked if the Tories were going to bring in home rule:

"Oh, no, we will have nothing to do with Home Rule of any kind now; we have got Gladstone pinned to it; we will make him expose his scheme in the House of Commons. Let him defeat us with the aid of the Parnellites, and then let us dissolve and go to the country with the cry 'The Empire in Danger.'" [37]

When parliament met on January twenty-first, Carnarvon's resignation was announced, and coercion hinted at in the Queen's speech. On the twenty-sixth, it was announced that a coercion bill would be introduced the following day. But before parliament rose in the early morning hours of the twenty-seventh, Lord Salisbury's government had been defeated by a majority of 79 in which there was a prophetic combination of Liberals, Radicals and Irish against Tories and Whigs.[38]

When the results of the election made a return of Gladstone to office seem imminent, the Queen made desperate efforts to bring about a coalition between the Tories and Whigs, either under Salisbury or under Hartington, or to form a third party of moderates containing Hartington, Goschen, Forster, *etc.* Numerous letters were written by the Queen, and Sir Henry Ponsonby, Dr. Jenner, and Lady Ely were

[36] On December sixteenth, Mr. Herbert Gladstone had an interview in London with the National Press Agency in which he discussed freely his personal views on Ireland and his father's plans, so far as he knew them. His father was not informed of this interview in advance, and was much embarrassed by its publication, especially since no distinction was made between his views and those of his son. It was generally thought at the time to be a "feeler" to test the sentiment of the country on Home Rule, and was dubbed the "Hawarden kite." See for a full account, Viscount Gladstone's statement in *After Thirty Years,* pp. 311–313.

[37] Gardiner, *Life of Sir William Harcourt,* I, 550.

[38] Mr. W. H. Smith, who succeeded Sir William Hart Dyke as Irish Secretary on the resignation of Carnarvon, wrote Lord Randolph on January twenty-fifth:

"As at present advised, I should be unwilling to ask for large repressive powers unless I had authority to promise a large land scheme." On January twenty-sixth, when he learned the government's intention to introduce a coercion bill the following day, he telegraphed:

"I think proposed action looks precipitate. There is no excessive urgency here, and great care is required in framing and describing a measure." Churchill, *op. cit.,* II, 44–45.

employed by her in negotiations both in person and by letter. In one letter to Goschen of December twentieth, the Queen wrote:

"I appeal to *you* and to all moderate, loyal, and *really patriotic* men, who have the safety and well-being of the Empire and the Throne at heart, and who wish to save them from destruction, with which, if the government again fell into the reckless hands of Mr. Gladstone, they would be threatened, to rise above party and to be true patriots! You must convince Lord Hartington of what is at least *his duty* and of what he owes to his Queen and country, which really goes before allegiance to Mr. Gladstone, who can persuade himself that *everything* he takes up is right, even though it be calling black, white and wrong, right." [39]

An interesting feature of this correspondence is the light it throws on the home rule leanings of conservative men in both parties. Goschen, himself strongly opposed to home rule, wrote to the Queen that the greatest difficulty in the situation.

"lies in the absolute feeling of despair entertained by many of those who are more conversant with Irish affairs, and most opposed to Mr. Parnell, with regard to any practicable, or in the least hopeful alternative policy for solving the Irish problem.

"The question must soon force itself on the country, what stringency of law or executive action it will stand, not only in dealing with turbulent law-breakers in Ireland, but with Nationalists in the House of Commons.

"The dangers of the crisis both in respect of the possible paralysis of the House of Commons, of a universal strike against rent in Ireland, of a renewal of outrages, of the mad crimes which the Irish Americans may commit, are so patent and so certain to strike the imagination of many, that Mr. Goschen will not be surprised to see thoroughly loyal men who are anxious for the integrity of the Empire and the stability of the Throne, shaken in their determination, and wavering as to whether a settlement on the basis of Home Rule is not inevitable 'after all.'"

While personally convinced that home rule should be opposed at all costs, Mr. Goschen thought that

"hesitation on the subject need not necessarily be ascribed to any care for party interests or desire for office, but may spring, in the case of many men, from a real apprehension of formidable consequences likely to follow from a policy of resistance. Mr. Goschen has seen with much regret symptoms of this frame of mind in some quarters where hostility to Mr. Parnell's plans has hitherto been strongest." [40]

On December ninth, Sir Henry Ponsonby sent the Queen a report on his impressions of opinion in London:

[39] *Letters of Queen Victoria,* second series, III, 712–713.
[40] *Ibid.,* III, 715–716.

"Ireland is the difficulty that must be met at the outset; and the increasing opinion in London is that Parnell's demand must to a certain extent be conceded or that strong repressive measures must be adopted. If the latter case, there will be serious difficulty in passing any stringent Act in the present parliament, and there will be a renewal of dynamite attempts at outrage. On the other hand, if Parnell is to have his way there will be a disruption of both the great English parties and conflicts in Ireland.

"Mr. Goschen wants to support the Loyalists in Ireland, and complains that in no speech, Tory or Liberal—except his own—was the slightest encouragement given to them.

"Mr. Jenkinson, who sees Irishmen of all descriptions, laments that some form of local government was not granted two years ago. The best thing now he believes would be to give local powers to a Central Board on the lines of suggestions to be made by Mr. Parnell, with safeguards against exaggeration, as he thinks Mr. Parnell would then exert himself in the cause of law and order and would be the Conservative leader in the Irish Council." [41]

The preliminaries of home rule have perhaps been dealt with at disproportionate length. It seemed justified by the unfamiliar character of some of the evidence presented; and because in the light of that evidence the subsequent action of the Tories and their support of the House of Lords as the bulwark against home rule and the disruption of the empire assumes a somewhat different aspect.

The Irish had already begun negotiations with the Liberals before parliament met; but it was hardly to be wondered at, in view of their attitude during the election, that many Liberals opposed any alliance with them. Probably the majority of the party were not yet prepared for as large a grant of home rule as Parnell now demanded. Moreover, to bring in a home rule bill under the existing circumstances, with Irish Nationalists holding the balance of power, looked too much like a surrender of principle for the sake of office to be palatable to a large number of the party. It would furnish a vulnerable point of attack to opponents, who would be in no wise deterred from using it by the fact that in similar circumstances they would have done the same thing. There were other excellent grounds for Liberal hesitation in dealing with home rule at this time. Was it justifiable or constitutional to propose so radical a change in the relations between Great Britain and Ireland without first securing the sanction of the people of both countries at the polls? The people of Ireland, who even in Ulster returned a majority in favor of home rule, had given no uncertain ver-

[41] *Ibid.*, pp. 709–710. Mr. Jenkinson was the head of the Irish criminal department, according to the *Manchester Guardian Weekly*, January 20, 1928, in a review of the third volume of the *Letters of Queen Victoria*.

dict; but could the same be said of the British constituencies? The Radicals had stressed free education and allotments; the Tories had concentrated their attack on foreign affairs; and many candidates on both sides had avoided any commitment on home rule. Since home rule had not been the principal issue before the people, the government's Radical supporters would resent the postponement of promised social legislation in order to deal with Ireland. Could home rule be made acceptable to the Whigs, or would an attempt to carry it split the Liberal party as corn law repeal split the Tories? Dissensions on Irish questions in cabinet and parliament during the previous Liberal government gave good reason to fear a wholesale Whig secession on home rule. It was one thing to risk splitting the party to carry an important measure to success, quite another thing to risk it in face of almost certain defeat; and what were the chances of forcing a home rule bill through the Lords?

The answer to the question why the Liberals, in the face of all these difficulties, undertook to bring in a home rule bill must necessarily be an incomplete and tentative one. Lord Randolph Churchill attributed it to "an old man in a hurry"; and there were not wanting those among the Radicals who laid Gladstone's conversion to his lust for office. Chamberlain wrote to Laubouchère on December seventh,

> "The G.O.M. is very anxious to come in again. I am not, and I think we must sit on his Irish proposals."

Laubouchère, writing to Chamberlain on December twenty-third, said he believed that to get into power, Gladstone "would not only give up Ireland, but Mrs. Gladstone and Herbert." Two days later, in another letter to Chamberlain, he wrote:

> "I place the basis of Mr. Gladstone's action on an almost insane desire to come into office. Now he knows that so far as he is concerned, this can only be done by squaring the Irish. At 76 a waiting policy may be a patriotic one but it is one of personal self-effacement. This is not precisely the line of our revered leader." [42]

Doubtless there will always be many incapable of believing in Gladstone's honesty. His conscience, like Henry VIII's, was an important historic phenomenon. As his friend Dean Lake once said, "His intellect can persuade his conscience of almost anything"; [43] and once having

[42] Thorold, *op. cit.*, pp. 271, 282, 288.
[43] Quoted in Lucy, *Memories of Eight Parliaments*, p. 21.

convinced his conscience, he pursued his ends with a moral fervor denied to persons of more tentative convictions. But the preceding pages should have made it clear that Gladstone's conversion was a more gradual process than it is usually represented as being; and that under pressure of the same facts, the convictions of other statesmen of both parties had undergone a similar change.[44] Whatever motives may have influenced the final stages of his conversion, Gladstone was now convinced that home rule was the only possible solution of the Irish question, and therefore the sooner it was carried the better for both countries; and that it was his duty to remain in office in order to carry it. In spite of the progress that home rule had made in public opinion, it seems certain that the Liberal party in 1886 would not have committed itself to its support without Gladstone's lead; and certainly, without the authority of his leadership, there would have been no chance of success.

Unfortunately, while Gladstone was arriving at this conviction, he left his colleagues and supporters very much in the dark, so that the seeds of disaffection were already sown when he finally took his party into his confidence. The formation of a cabinet was difficult. Hartington and Bright declined, and the appointment of John Morley as chief secretary for Ireland, while Chamberlain became president of the Local Government Board, caused surprise, and was perhaps one factor in his subsequent desertion. The loss of Dilke's influence, through his temporary withdrawal from politics, may also help to account for Chamberlain's action.[45] When the government's intentions were known, various shades of opinion became apparent within the Liberal party. Some, with no very strong opinions in favor of home rule, were willing to support it because of their faith in Gladstone or their party loyalty; others, to be rid of the Irish members at Westminster. The latter motive seems to have been strongest with the Radicals, some of whom looked forward to the retirement of Gladstone as soon as the Irish

[44] Possibly Gladstone overestimated the possibility of the question being treated on its merits, without regard to party interests.

[45] Viscount Gladstone states in *After Thirty Years,* p. 290, that Chamberlain wanted the chief secretaryship in 1882, and thinks his father made a mistake in not appointing him.

> "With his quick, keen insight he would have formulated a strong policy on the lines of the new departure which the Whigs in the Cabinet would not have been able to reject. Further, Mr. Chamberlain was an adept in political propaganda and he would most certainly have seen the necessity of preparing British opinion for concessions to Ireland."

But he forgets the Queen's hostility to Chamberlain. She had agreed reluctantly to his admission to the cabinet; she would certainly have vetoed a proposal to make him Irish secretary.

question was settled. From their point of view, also, the secession of the Whigs would be gain rather than loss as making surer the succession of Chamberlain to the leadership of a united Radical party.[46] The majority of the Whigs, with Lord Hartington in their lead, were opposed to home rule as endangering the Irish landlords. To overcome Whig objections, Gladstone, urged by Morley and Lord Spencer, drew up a land purchase bill to enable the landlords to sell out on favorable terms. It was made contingent on the passage of home rule. Unfortunately this measure lost more votes from the Radicals than it gained from the Whigs. It was the occasion for the resignations of Trevelyan and Chamberlain from the cabinet, the latter characterizing it as "the most gigantic bribe ever offered to the opponents of any legislation." [47] Asquith has testified that the measure had but lukewarm support in the cabinet and "in many parts of the country it had more to do with the crushing defeat of the government in the general election of July than the Home Rule Bill itself." [48]

Meanwhile the Tories were doing their utmost to stir up the race and religious prejudice of Ulster in opposition to home rule. Lord Randolph Churchill was the leader in this movement. Reporting to Lord Salisbury on December twenty-second on a conversation with Labouchère, he wrote:

"Lastly, I communicated to him that, even if the government went out and Gladstone introduced a Home Rule Bill, I should not hesitate, if other circumstances were favorable, to agitate Ulster even to a resistance beyond constitutional limits; that Lancashire would follow Ulster and would lead England; and that he was at liberty to communicate this fact to the G.O.M." [49]

On February 22, 1886, Lord Randolph spoke in Belfast to a huge crowd in a way well calculated to stir up rebellion, and which actually did result in serious rioting. His speech was commended by Lord Salisbury. Four days later, in a letter to a Liberal-Unionist M. P., he coined the phrase, "Ulster will fight, Ulster will be right," which became the slogan of the Orangemen and Unionists.[50] By thus compounding with sedition, the Tory leaders goaded the opponents of

[46] See letter from Labouchère to Chamberlain, December 23, 1885, in which this view is expressed. Thorold, *op. cit.*, p. 281.

[47] See explanations of Trevelyan and Chamberlain, *Hansard*, third series, CCCIV, 1116–1117, 1187; and Eversley, *op. cit.*, p. 311.

[48] Asquith, *Fifty Years of the British Parliament*, I, 156.

[49] Churchill, *op. cit.*, II, 27–28.

[50] *Ibid.*, pp. 61–67.

home rule into a white heat of passion such as is seldom engendered in British politics.

The home rule bill was introduced on April eighth and the land purchase bill a week later. Debate on the second reading began on May tenth, and the division was taken at one in the morning of June eighth. Ninety-three Liberals entered the Tory lobby, and the measure was defeated by thirty votes. The opposition of the Whigs had been counted on, but the number of Radicals who followed Bright and Chamberlain was unexpected. Gladstone never doubted the sincerity of Bright's motives; but Chamberlain's action was more difficult to reconcile with his past professions. In a conversation with Bryce in 1886, Gladstone said in substance,

"that Chamberlain was a most dangerous man, restless, ambitious, unscrupulous, and that the country would suffer from him. 'It does not much affect me,' he said, 'but those of you who will be in public life during the next twenty years will have experience of the mischief he can do.' There was not in his words a note of personal hatred, but there was the sternest condemnation I ever heard him utter of anyone." [51]

Labouchère, who had been one of Chamberlain's greatest admirers, could never quite forgive him for his action on this occasion which entailed not merely the defeat of home rule but the break-up of the Liberal party and the indefinite postponement of the Radical program.

On the defeat of the home rule bill, it was decided to dissolve parliament and submit the issue to the electorate. The Tories and Liberal-Unionists abstained from opposing one another's candidates, and the result was generally interpreted by Unionists as overwhelming condemnation of home rule. Examined in detail, the results hardly justify such a view. "Taking the total poll for Great Britain, the liberals have 1,344,000, the seceders 397,000, and the tories 1,041,000." While the English electorate voted 2½ to one against home rule, the vote in Scotland was 3 to 2, in Wales, 5 to 1, and in Ireland, 4½ to 1 in favor of home rule. As Gladstone said, "There is nothing in the recent defeat to abate the hopes or modify the anticipations of those who desire to meet the wants and wishes of Ireland"; and this was the view of the Irish Nationalists who looked forward confidently to the attainment of their desires when the Liberals returned to power.[52]

One consequence of the home rule bill of 1886 requires comment. Aristocratic secessions from the Liberal party had occurred with in-

[51] H. A. L. Fisher, *Life of Lord Bryce*, 2 v. (New York, 1927), I, 216.
[52] Morley, *op. cit.*, III, 346.

creasing frequency in Gladstone's second ministry. The home rule bill almost completed the process. Their numbers in the House of Lords shrank to pitiful proportions. They could have mustered barely thirty votes on a division. In society, home rulers were practically ostracized. Lord John Manners wrote to his brother on February 22, 1886: "Gladstone can't find a Duke who will allow his wife to become Mistress of the Robes, and he and his government are generally repudiated by Society and the educated classes." [53] The duke of Westminster, who owed his latest step in the peerage to Gladstone, sold the portrait of his leader painted for him by Millais.[54] A great lady stipulated on accepting an invitation to dinner that she was not to sit next Lord Granville, whom she considered "'a traitor to his country.'" [55] Harcourt referring to this situation in the House of Commons, said:

"There has been a great deal of aristocratic secession. For one, I am sorry for them [*sic*]. I think that they are a bad thing for the country and especially for the aristocracy, for of this we may be sure, that if the aristocracy of England is going to range itself with the party of ascendancy in Ireland, the democracy of England will side with the Irish people." [56]

The Tories, returned to office in the summer of 1886, proceeded to carry out in Ireland the policy defined by Lord Salisbury in a speech at St. James' Hall as "twenty years of resolute government." Their rejection of the Tenants Relief Bill led to a renewal of agrarian disorders, which in turn necessitated renewed coercion. On the morning of April 18, 1887, the day the division was to be taken on the government's coercion bill, the *Times* published as part of a series of articles called "Parnellism and Crime," a letter purporting to be from Parnell, and implicating him in the Phoenix Park murders. On the same day Parnell denounced the letter in the House of Commons as a forgery; but brought no action against the *Times*. In November, 1887, O'Donnell, a former supporter of Parnell, brought suit against the *Times* for allegations damaging to himself. At the trial, during which the *Times* was defended by the Attorney General, Sir Richard Webster, a new series of letters incriminating Parnell was introduced. Parnell now demanded that the House of Commons appoint a select committee of inquiry, but this was refused by the government who proposed instead

[53] Whibley, *op. cit.*, II, 236.

[54] Gretton, *A Modern History of the English People*, I, 183. It was bought by Lady Oxford's father.

[55] Fitzmaurice, *Life of Lord Granville*, II, 494–495.

[56] *Hansard*, third series, CCCIV, 1455.

the appointment of a commission of three judges with statutory powers to inquire into the whole series of charges and allegations made in the *Times* articles. A bill embodying this proposal was carried in spite of Lord Randolph's memorandum pointing out its dangers, and in spite of the powerful protest of Lord Herschell in the House of Lords. The proceedings before the commission dragged on interminably, their report not reaching the House until March 3, 1890. But before that date, the *Times,* the commission, and the government which appointed it had all been discredited by the disclosure that the letters on which the *Times* principally relied were forgeries. Before their publication by the *Times* they had been offered to and refused by Lord Hartington and the *Pall Mall Gazette.* They were bought by the *Times,* without inquiry, from Houston, a questionable person who was provided with funds by the Unionists in Ireland to enable him to get some evidence against Parnell.[57] The English sense of fair play was aroused by these disclosures, and in consequence Parnell rose in public esteem in a way which promised success for his cause in the next election. Unfortunately before this time came, his position was ruined and his party split by the disclosures of the divorce court. Parnell died in 1891 before the party wounds were healed.

The general legislation and administration of the Conservative government of 1886–1892 need not detain us here; but two matters require mention. The County Councils Act of 1888 which introduced a measure of democracy into local government was not extended to Ireland.[58] And the Conservative government disappointed some of its followers by making no reform in the constitution of the House of Lords.

Interest in reform of the Upper House aroused by the agitation of 1884 had not entirely died out. The debates and votes on Labouchère's frequently repeated motions to eliminate the hereditary element in the Lords form a rough index of the interest felt in the subject. His first motion, in 1882, was made when no quorum was present, and so no vote was taken. In 1884, Gladstone spoke in opposition, but the motion received seventy-one votes in its favor. In 1886, the number of supporters had risen to 166.[59] Two years later, Morley spoke in favor

[57] *Hansard,* third series, CCCXLI, 43 f.

[58] A bill embodying the provisions of the County Councils Act of 1888 and the Parish Councils Act of 1894 was prepared by Dilke as President of the Local Government Board, but dropped in 1884. Dilke said of the Tory bill of 1888, that they introduced two-thirds of his bill and carried one-third. Gwynn and Tuckwell, *op. cit.,* II, 12.

[59] *Hansard,* third series, CCLXVII, 388; CCXCIV, 141; CCCIII, 20.

of the motion, and he and Harcourt voted for it. It was even more significant that Mr. W. H. Smith, Conservative leader of the House, agreed that reform of the Lords was desirable and would strengthen its hold on the "affections and sympathies" of the people; but thought that reform must come from the Conservative party and originate in the House of Lords.[60] The division on this occasion mustered 162 votes to 223.[61] The following year, Mr. Balfour coupled his announcement of the government's opposition by a eulogy of the House of Lords reminiscent of the duke of Wellington's praise of the unreformed House of Commons. But the divisions, that year and the next, showed there were many who differed from him.[62]

Lord Curzon, then the Hon. G. N. Curzon, M. P., was one of the young Tories who thought the time ripe for the reform of the Lords. He wrote in an article in the *National Review* that reform of the Lords was expected and necessary, and if it was not undertaken voluntarily by the Conservatives, it would be forced upon them by popular demand.[63] With his friend Mr. St. John Brodrick, Curzon canvassed the eldest sons of peers in the House of Commons to ascertain their views on House of Lords reform. Twenty-one names were secured in favor of a reform of the Lords which should include the introduction of life peers; three others favored some reform; one advocated abolition; and one was opposed because he thought no possible reform would satisfy the Radical clamor.[64] The most specific scheme of reform proposed by Curzon in 1888 included the provision that mere succession of a peerage should not of itself entitle its holder to a seat in the House of Lords unless he also possessed certain other qualifications; nor should it disqualify him from service in the House of Commons.[65]

More important, perhaps, in its influence on the government, was a speech by Sir Michael Hicks-Beach in February 1888. Referring to House of Lords reform as a "question of great national importance," and citing "the maintenance of the House of Lords as an independent and coördinate branch of the Legislature" as a fixed article of the Tory creed, he suggested both the possibility and advisability of reform. He referred to Radical jeers at "the increasing rarity of its debates and the small proportionate attendance of its members"; and questioned

[60] *Hansard,* third series, CCCXXIII, 797 f.
[61] *Ibid.,* p. 813.
[62] *Hansard,* third series, CCCXXXVI, 482–3; CCCXLII, 1519 f.
[63] "A Purified British Senate," *National Review,* 1888, XI, 115.
[64] *Ibid.,* p. 297.
[65] *Ibid.,* p. 153.

whether it was safe to confine parliamentary reforms to one branch of the legislature. In conclusion, he suggested the exclusion of the "black sheep" from the House of Lords, the extension of life peerages to make easier the entrance of "able laymen of moderate means," and the extension of the principle of selection to the peerage of Great Britain.[66]

The question was revived in the House of Lords in 1888 by a motion of Lord Rosebery's for a select committee to consider reform of the House of Lords. He suggested as desirable modifications of the existing consitution the extension of the representative principle to all hereditary peers; the addition of an elective element to be chosen by county boards, large towns, or by the House of Commons, besides life and official peerages. He pointed out that any reform which established a fixed limit to the numbers in the House of Lords would destroy the only existing method of bringing the Houses into harmony in case of conflict, *i. e.*, the creation of peers by the Crown, and therefore any such reform must be accompanied by an alternative method of reconciling the differences between the Houses. In this connection, he referred to and condemned Bright's suggestion of 1883, and suggested instead joint sessions in which certain fixed majorities might carry or reject measures in dispute. Above all, he urged that the matter should not be considered as a party question:

> "It is not I or those who think with me—it is not we alone, but it is the Conservative Party, both in the House of Commons and in the country that are asking your Lordships to be up and doing. It is only your enemies that would have you be still." [67]

Lords Wemyss and Dunraven both spoke in favor of reform, but protested against committing reform to a select committee instead of proceeding by bill. The earl of Kimberley announced his support of the motion, having reached the conviction that it "would be far more hazardous for us to do nothing and take our chance of what might occur hereafter." [68]

Lord Salisbury took occasion to blame the prevailing Tory character of the House of Lords on Mr. Gladstone whose "peculiar measures" had resulted in "a new dividing line between parties" which "coincided with classes much more closely than had ever been the case before." But this "was due to a temporary circumstance, to the influence of a

[66] *Hansard,* third series, CCCXXIII, 1552–1553. Quoted by Rosebery in a speech on a motion for a select committee on House of Lords reform.

[67] *Hansard,* third series, CCCXXIII, 1560 f.

[68] *Ibid.,* p. 1588.

single statesman, to the career and growing predilections of a single man—it was due to his action, his policy, and it was conterminous with his career as Prime Minister that this overwhelming majority which the noble Earl makes his chief point of indictment against the House of Lords entirely as well as originally arose." Lord Salisbury opposed the appointment of a select committee and urged the substitution of a bill without promising any support for it.[69]

Lord Granville reminded the House that he had favored life peerages for thirty years, and urged that reform be undertaken in time to conserve the considerable popularity that still remained to them. He retorted warmly upon Salisbury's charges against Gladstone, declaring that a Tory majority had existed in the House of Lords since Lord Liverpool's administration of 1812–1827, and blaming the present state of affairs on the character of Salisbury's leadership:

"if the noble Marquess, in giving effect to the convictions of this House, had been actuated by the same spirit as the Duke of Wellington, Lord Aberdeen, and of Lord Beaconsfield, the feeling in existence today would not have been at all commensurate with what it is. The noble Marquess—and I am very sorry to think that the speech which he has just delivered will tend very much to confirm the feeling—has done much to shake the position of the House. . . . I cannot conceive anything that will shake the estimation of this House more than the advice, so often quoted, which he gave at Oxford, . . . that the House of Commons and the constituencies should be told that when bad Parliaments send up bad measures he hopes and trusts they will all be rejected by this House. I think these words have contributed more than anything else to the present feeling against the House of Lords." [70]

The motion was defeated by a party vote, 50–97.

"To many persons this fact alone would carry the conviction that the House of Lords in the words of Lord Rosebery, 'has become a party instrument.'" [71]

The next move in the House of Lords was the introduction of a bill by Lord Dunraven, in April, 1888, embodying the following provisions:

1. The hereditary element in the House of Lords was to be reduced gradually to 180 by a process of elections from the whole peerage.

[69] *Ibid.*, p. 1591.
[70] *Ibid.*, p. 1599 f.
[71] "The Lords on Themselves," in *Subjects of the Day,* No. 4, *The House of Lords,* p. 45.

2. Additional members were to be chosen by the County Councils for a term of 9 years.
3. The Crown was to nominate two representatives of the Dissenters and two of the Catholics; and the representation of the Established Church was to be reduced to the incumbents of the sees of Canterbury, York, London, Durham and Winchester.
4. Provision was to be made for colonial representatives.
5. Peers not elected to the House of Lords were to be eligible to the House of Commons.
6. Cabinet ministers might speak in either House.
7. Life peers, up to five in each parliament, might be created.[72]

The earl of Pembroke spoke in favor of the bill, urging the propitiousness of the time for reform.

"He believed it would be one of those mistakes which affected the destiny of nations if the present Parliament were allowed to pass away without such a reform of this House as would tend to insure the safe and smooth working of our Constitutional machinery for many a year to come." [73]

This view was echoed by the earl of Camperdown; but Lord Salisbury regretted that it was impossible to give a second reading to the bill because of "the excessive changes" it proposed. He gave a vague promise of "a cautious and tentative improvement." This was promptly taken up by Granville, who thought no slight change would settle the question, but welcomed the promise of action by the government. The bill was withdrawn by leave of the House.[74]

Lord Salisbury's promised bill was not produced until June 18, 1888, and was of such "a cautious and tentative" character as to disappoint all advocates of genuine reform. It proposed the creation of not over five life peers in any year, or fifty in all, to be selected according to qualifications reminiscent of the proposals of Russell and Mill. Salisbury expressed the conviction that the existing House of Lords was entirely satisfactory in its treatment of legal questions, land questions and Church questions, but admitted some defects in other matters.[75] A few days later a Discontinuance of Writs Bill, commonly called the "Black Sheep Bill," was introduced by Salisbury. It proposed that the Crown, on receipt of an address from the House of Lords, should can-

[72] *Hansard,* third series, CCCXXV, 518 f.
[73] *Ibid.,* p. 550.
[74] *Ibid.,* pp. 556–562.
[75] *Hansard,* third series, CCCXXVII, 387 f.

cel the writs of certain peers. This measure met with more ridicule than support, and was withdrawn after second reading on July tenth.[76]

The Life Peerage Bill was withdrawn after second reading on the same day, much to the surprise of the House where most of the friends of reform had promised support in spite of disappointment at its limited character. The reason for withdrawal given by Salisbury was that

"a leading member in another place has intimated his intention of offering his utmost opposition to any measure of the Reform of this House which is not introduced into the House of Commons at the beginning of the Session; and that my right hon. Friend [Mr. W. H. Smith, leader of the House of Commons], under the influence of a panic, which, in the face of such terrible threats, was not unnatural, has undertaken to abandon the Bill." [77]

The inquiring reader will search the records of the House of Commons in vain for any "terrible threats" uttered by Gladstone in regard to the Life Peerage Bill. On July tenth, in a discussion of the arrangements for the subsequent business of the House, Gladstone urged the government not to take time at that stage of the session for the discussion of any scheme for the reform of the Lords, which, unless it were "reduced to dimensions unnaturally small so as to become frivolous," would require the " 'virgin energies of the House' " for its due consideration. Mr. Smith replied that he considered Mr. Gladstone's request

"a very reasonable and very moderate request" and that he had not "the slightest hesitation in giving him the assurance he desires, that no attempt should be made in the course of this year to ask this House to consider such a measure as the right hon. Gentleman referred to. I make this concession —if the right hon. Gentleman thinks it a concession—with the most perfect readiness and I fully admit that the right hon. Gentleman has met the proposal of the government in a most considerate manner which deserves the fullest acknowledgment of the government." [78]

The real reason for the withdrawal of Salisbury's bill must be sought elsewhere than in Gladstone's threats. It seems likely that the threats of Salisbury's own followers in the House of Commons had more to do with it. Certainly, Mr. Smith expressed no grief at its abandonment. It fell short of the suggestions of Sir Michael Hicks-

[76] *Hansard,* third series, CCCXXVII, 395 and 414; CCCXXVIII, 871–872.
[77] *Hansard,* third series, CCCXXVIII, 871.
[78] *Ibid.,* pp. 906–907.

Beach. Curzon characterized the life peerage schemes of both Russell and Salisbury as "paltry and peddling measures of reform, scarcely worthy of the name," declared that "we do not want a House of Lords which is to be a museum of magnificent ruins," nor would the House of Lords be strengthened "by attempting to graft upon it a kind of spurious French academy." [79]

Nothing more was heard of Salisbury's Life Peerage Bill, or of any other attempt by the Conservative government to settle the question. Interest seems to have flagged until with the return of the Liberals new conflicts occurred.

In the election of June, 1892, Gladstonians and Nationalists had a majority of forty-two, and Lord Salisbury's government was defeated on the address. At the age of eighty-two, Gladstone became prime minister for the fourth time, and a new home rule bill was introduced on February 13, 1893.[80] After a debate lasting 82 days, it passed the House ofCommons by a majority of 34; but was rejected by the Lords a week later by a vote of 41 to 419, the largest division ever taken in that House.[81] Considering the bitterness of opposition which the question had aroused, and the pitifully meager group of Liberals in the House of Lords, it is not to be wondered at that they acted as they did. They could not deny that home rule had formed a prominent item in the Liberal program at the election; but they justified themselves on the ground that in England, at least, other issues had predominated, and that Ireland could not have home rule against the will of the "predominant partner." This was not a doctrine likely to commend itself to the Irish; and from 1893, the abolition of the Lords' veto became the immediate goal of the Irish Nationalists as a necessary preliminary to home rule.

Part II. The Revival of Socialism

"Working men are realising that Liberal and Tory are different names for the same thing, and that what John Ruskin said long ago is equally true today, that what passes for Government is only dressing well and faring sumptuously at the expense of the people, and that our governors allot the people all the work and themselves all the pay."

KEIR HARDIE.[82]

[79] *Hansard,* third series, CCCXXXVI, 457.
[80] *Hansard,* fourth series, VIII, 1241.
[81] *Hansard,* fourth series, XVI, 1839; and XVII, 649.
[82] *Report of the Annual Conference of the Independent Labour Party,* 1894, p. 6.

Home rule was not the only issue before the country in 1893. The Liberals had sought the vote of the workingmen in the election by presenting a program of political and social reforms adopted at their party conference at Newcastle in 1891. They felt, therefore, that their "mandate" was not limited to home rule, and so remained in office to translate into legislation as many items as possible of the "Newcastle Program." To make the political situation clear, it will be necessary to go back a little way to trace the development of opinion among the working classes.

Since 1874, both agriculture and industry had suffered from frequent periods of acute depression and consequent unemployment. The depression in agriculture resulted in the unsuccessful attempt to form a permanent agricultural union, and in the agitation for the franchise already referred to. It also aggravated unemployment in the towns, as there was large scale emigration from the farms to the towns in England as well as to the colonies and to America. In the years from 1885 to 1887 unemployment reached serious proportions and there were numerous petitions to parliament and public demonstrations urging relief. A huge mass-meeting of unemployed in Trafalgar Square in February, 1886, was followed by rioting and window smashing in the West End. The efforts of the police to prevent a similar gathering in November of the following year led to the death of two persons. The day was henceforth known among the workers as "Bloody Sunday." [83] Nor was suffering limited to London or the towns; in Scotland the crofters raided the deer forests to avert starvation, and tithe riots occurred in Wales [84]

At the same time there was growing dissatisfaction with the conservative trade-unionism of the day, which benefited only a small aristocracy of labor. As soon as trade began to revive, efforts were made to organize some of the hitherto unorganized and badly paid trades. A successful strike by the women match-workers in 1888 encouraged further efforts, and in 1889 Ben Tillett, Tom Mann and John Burns led a strike of the London gas-workers which secured a reduction from twelve to eight hours in the working day. The same leaders then undertook to organize the London dockers, an extremely ill-paid body of casual laborers. Thanks to wise leadership which secured popular sympathy with the strikers from the start, the strike

[83] M. Beer, *A History of British Socialism,* 2 v. (New York, 1921), pp. 261–263. This is the incident referred to in Morris' *News from Nowhere.*

[84] Gretton, *A Modern History of the English People,* I, 220–221.

succeeded. These successes led to an increase in the number of unions and to a reorganization of the old exclusive unions on more liberal lines. The "new unionism," which was soon reflected in the Trades Union Congress, was dissatisfied with the political leadership supplied by its parliamentary committee. The policy adopted in 1874 of returning trade-union members to parliament as Liberals was criticized, and the formation of a separate labor party began to be advocated.

Not only were workingmen proposing to organize their own party, but they were proposing to forsake *laissez-faire* economics in favor of socialistic remedies. Indeed the workingmen were not alone in this, for in 1877 the successors of the Christian Socialists of the '50's organized themselves into the Gild of St. Mathew, a religious society with a socialist program. In 1881, the Democratic Federation was formed under the leadership of H. M. Hyndman with a program which combined Chartist items with abolition of the House of Lords, home rule for Ireland and the nationalization of the land. The name was changed in 1884 to the Social Democratic Federation (S.D.F.), and at the same time William Morris, Bax and others seceded to form the Socialist League. The S.D.F. gained in strength as a result of the new unionism and the successful dockers' strike, the leaders of the latter being either members of the S.D.F. or in close relations with it.[85] In 1884, a group of intellectuals organized the Fabian Society, the object of which was to convert England to socialism by Fabian tactics. It was joined a few months later by George Bernard Shaw and Sidney Webb. To the latter, Mr. Beer gives the credit for adapting socialism to democracy. He compares the influence of this group to that of the Philosophical Radicals of the early nineteenth century. Their propaganda by means of lectures and pamphlets did much to gain converts for socialism among the middle classes.[86] The establishment of the London County Council, the rise of municipal socialism, and the revival of the International Workingmen's Association in 1889 all furthered the spread of socialism.[87]

Another important factor in the revival of socialism at this time was the disclosure of the shocking conditions existing among the English poor. Social settlements and the report of the royal hous-

[85] Beer, *op. cit.*, II, 247, 252–253, 266.
[86] *Ibid.*, II, 274–279.
[87] *Ibid.*, II, 266.

ing commission had begun to open people's eyes to "the way the other half lives." In 1889, Charles Booth published in *The Life and Labour of the People,* the first fruits of his exhaustive investigations into London poverty. It revealed the fact that in the capital of the British empire one-third of the population lived so close to the bare subsistance level that the slightest shock in the way of illness, accident, or unemployment sufficed to make them destitute.[88]

Shocked by the disclosure of such widespread misery, and alarmed at the spread of socialism, both parties paid increasing attention to social legislation. Traditionally, the Tory party was the one best fitted to meet the situation, as it had never been as devoted to orthodox economics as the Liberals. But the agricultural depression which had driven the laborers to the towns or the colonies, had driven the landlords to the investment market to invest their dwindling profits in something more remunerative than agriculture. Moreover the seceding Liberals had added to the number in the Tory ranks of those primarily interested in banking and industry. The result was that just when the working classes were clamoring afresh for legislation to improve working and living conditions, the Tories were becoming as disinclined as the Liberals to see industry interfered with by state action. This change was reflected in the House of Lords. Hitherto predominantly a landlord's house, stubbornly opposing any alteration in the privileged status of the landowner, it now became the champion of capital, whether in land or industry.

Being the party in power during the worst of the trade depression, the Tories gained the odium for failing to do anything to relieve the situation. In social legislation, they could boast of one housing act, but its operation proved too costly and cumbersome to effect much improvement. Their act creating county councils was only partly satisfactory to the workingmen, and its licensing provisions which were obnoxious to Radicals were only eliminated through Unionist and Liberal opposition. Similarly the provision for free elementary education and technical instruction was quite unintentional so far as the Tories were concerned, being due to the diversion of funds through Liberal and Unionist pressure which the Tories had intended for the compensation of publicans.[89] "Fair trade" and imperialism did not

[88] Charles Booth, *Life and Labour of the People in London* (London, 1897), IX, 427–432.

[89] *Annual Register,* 1888, p. 86; 1889, p. 2; 1890, p. 170. See debates in House of Commons, *Hansard,* third series, CCCXLV, 863–945, 1203, 1377, 1652–1653, 1799; CCCXLVII, 342–343.

prove taking cards with the workers. To these negative factors inclining workingmen to vote for the Liberals at the next election was added the positive factor of the Newcastle Program of 1891. The adoption of this platform was due partly to zeal for social welfare; partly to desire to divert the workingmen from the formation of an independent party. That the Liberals were alarmed at the latter prospect is shown by their action when Keir Hardie stood as an independent labor candidate at a by-election in Mid-Lanark in 1888. To induce his withdrawal the Liberals offered him a safe Liberal seat in the next general election and an income of £300 a year.[90] An increasing number of trade-unionists had been returned each year through the efforts of the parliamentary committee of the Trades Union Congress. But its program was colorless and uninspiring, and even lagged behind the Liberal proposals embodied in the Newcastle Program. The new unionists began to clamor for a more aggressive policy and the giving up of the parliamentary alliance with the Liberals.

Following his defeat at Mid-Lanark in 1888, Hardie organized the Scottish Labor Party, and in 1892 he and John Burns were elected as the first independent labor members. Thanks to pressure from Hardie and those who held similar views, the Trades Union Congress in 1892 instructed its parliamentary committee to formulate proposals for launching a separate labor party. In consequence, a conference was held at Bradford in the following January at which the "Independent Labour Party" was organized. It advocated a socialist program, the abolition of the House of Lords, and the maintenance of strict independence of both Liberals and Tories. The old trade-union leaders still held aloof and maintained their alliance with the Liberals. How long they would continue to do so depended largely on the degree to which the latter fulfilled their election promises.[91]

Among the items in the Newcastle Program were Welsh disestablishment, payment of members, the establishment of parish councils, employers' liability, revision and extension of factory and mines regulation, a local veto on liquor licenses, and the abolition of truck payments and plural voting. Of these measures, the Parish Councils Bill and the Employers' Liability Bill which had occupied the bulk of

[90] *Dictionary of National Biography, Supplement* 1912–1921, article on Keir Hardie.

[91] Beer, *op. cit.*, Chapter XV; and Webb, *History of Trade Unionism*, pp. 383 f. Fourteen trade-unionists were returned as Liberals in the election of 1892.

parliamentary time after the disposal of home rule, were both mutilated by the House of Lords, and the latter was dropped because of the insertion by the Lords of the "contracting out" clause. Great indignation was felt in parliament and country at their action, and if Gladstone had had his way, he would have dissolved forthwith on the issue of the Lord's veto.

The Grand Old Man at the age of eighty-four still retained all his mental vigor and enthusiasm, but his long tenure of office had begun to excite the jealousy of younger men, ambitious for advancement. In 1892, he had declared that he accepted office for the sole purpose of carrying home rule. When the Lords killed home rule, many of his colleagues expected his immediate retirement. Meantime differences had arisen in the cabinet over the subject of navy estimates, the majority supporting Lord Spencer while Gladstone and Harcourt held out for reductions. On January ninth, Gladstone announced his intention of resigning if the navy estimates were persisted in, but was uncertain whether to resign at once or to wait a month or two. Morley thinks the majority of the cabinet were "This-Weekers" rather than "Next-Monthers." Certainly he and Asquith and Rosebery favored immediate resignation. While the decision was pending, Gladstone went for a holiday to Biarritz. Then the news of the Lords' mutilation of the Parish Councils and Employers' Liability Bills suggested a way out. He urged immediate dissolution and an appeal to the country on the issue of the Lords' veto. This would have given the party the benefit of his name for election purposes and permitted his subsequent retirement without the need of disclosing any differences with his colleagues. The proposal was firmly rejected by the cabinet, which persisted in its opposition after Gladstone's return to London. Nothing remained but to send in his resignation which he did reluctantly, feeling sure that the psychological moment for an appeal to the people had been missed, and hurt at the eagerness of his colleagues to part with him. When Harcourt protested against his retirement, Gladstone replied " 'Not retirement! I have been put out.' " [92] He met his last cabinet on March first, and the same day made his farewell speech in the House of Commons, in which he predicted that the differences between the Houses "must go forward to an issue," and that

[92] Gardiner, *Life of Sir William Harcourt,* II, 262. For the question of Gladstone's retirement, see the rather contradictory accounts in Morley, *op. cit.,* III, 504–505; Morley, *Recollections,* II, 1–10; Gardiner, *Harcourt,* II, 252–253; and Asquith, *Fifty Years of the British Parliament,* I, 242.

the government would "take fully, frankly and finally the side of the House of Commons." [93] Had the cabinet foreseen the consequences to the party of Gladstone's retirement, they might have parted with him more reluctantly.

When Gladstone took official leave of the Queen for the last time, he was not asked for any advice as to his successor. He had told Morley before going to Windsor that if he were asked, he would advise Lord Spencer.[94] In Sir Henry Lucy's opinion, had Spencer been appointed, both the Liberal party and the country would have fared better in the years that followed.[95] But the Queen summoned Lord Rosebery. Morley thought "the leading junta inside the cabinet—I mean Spencer, Asquith, Acland, and myself"—all preferred Rosebery to Harcourt, in spite of the disadvantages of a peer-premier and the indispensableness of Harcourt as leader in the Commons.[96] Asquith has left no doubt of his views on the subject. He says of Harcourt, "to tell the naked truth, he was an almost impossible colleague, and would have been a wholly impossible Chief." [97] Harcourt's biographer makes it plain that opposition was not confined to the cabinet:

"When the crisis came he was almost entirely deserted by the Liberal newspapers, which either dismissed his claims openly, or, as in the case of the *Daily News* and the *Westminster Gazette* appealed to him to perform harakiri and win for himself a deathless name." [98]

Distasteful as Harcourt's appointment would have been to the cabinet, the appointment of Rosebery was even more so to the government's Radical and Irish supporters. The Irish opposed him because they judged, quite rightly, that he would drop home rule. Labouchère and twenty other Radical M. P.'s signed a protest against his leadership.[99] On March thirteenth, two days after the opening of the new session, Labouchère moved an amendment to the address praying the Queen to end the power of the House of Lords to deal drastically with measures passed by the Commons. The division was taken during the dinner hour and carried against the government by Radicals

[93] *Hansard,* fourth series, XXI, 1146–1152.
[94] John, Viscount Morley, *Recollections,* 2 v. (New York, 1917), II, 11.
[95] Lucy, *Memories of Eight Parliaments,* pp. 139–140.
[96] Morley, *Recollections,* II, 15.
[97] Asquith, *Fifty Years of the British Parliament,* I, 249–250.
[98] Gardiner, *op. cit.,* II, 267.
[99] Wilfred Scawen Blunt, *My Diaries, Being a Personal Narrative of Events, 1888–1914,* 2 v. (London, 1919), p. 165.

and Irish, 147 to 145. The government, to extricate itself, moved a new address.[100]

Outside of parliament, the more radical working-men were bitter in their hostility to Rosebery. For one thing, they felt that in spite of his attacks upon the House of Lords from the platform, nothing effective would be done under his leadership. As the *Clarion* put it, "the great Liberal leader would as soon consent to blow up the whole cosmic system as touch the sacred rights of the peers." [101] A member of the Fabian Society, writing in the *Workman's Times,* described Rosebery as

> "Aristo, landlord, court-sycophant, owner of race-horses, typical frock-coated bourgeois—the outpost and spadassin of the Rothschilds, who combines the functions of an uncrowned Emperor with those of a City shark—the associate of royal and other gamblers and blacklegs who can reconcile imperial corruption with democratic aspirations." [102]

A cartoon in the same journal a week later, after Rosebery's horse had won the Derby, was headed "The Prime Money-Grabber and the National *Disg* (Race)" and pictured Rosebery as a jockey riding toward "Retribution" and "Ruin" and leaving behind "National Degradation, Misery, Poverty, Crime, Ruin and Insanity." [103] The appointment of Rosebery did much to bring the British workingmen to Hardie's view that "There is more difference between the I. L. P. and the Liberal Party than there is between the Liberals and the Tory Parties." [104]

The sessions of 1894–95, following Gladstone's resignation proved unfruitful ones. Asquith described their efforts as "ploughing the sands." Of the measures promised during the election, many were introduced but few passed. The Factories and Workshops Act became law, but bills for the regulation of coal mines, local veto, Welsh disestablishment and the abolition of truck payments and plural voting were all lost on the defeat of the government in June, 1895. Other items which had figured largely in election promises, such as proportional representation, payment of members and payment of election expenses were left entirely untouched.[105] Asquith blamed the ill suc-

[100] *Hansard,* fourth series, XXII, 194–209.
[101] *Clarion,* March 3, 1894, p. 6.
[102] *Workman's Times,* June 2, 1894, p. 3.
[103] *Workman's Times,* June 9, 1894.
[104] *Hardie's Herald,* Oct. 24, 1896, p. 6.
[105] *Hardie's Herald,* Nov. 7, 1896.

cess of the government on "a composite and precarious majority in the House of Commons" and "an implacable and overwhelming opposition in the House of Lords." [106] But many of the Radicals blamed the failure on the indifference or insincerity of the Liberals. They suspected that many of the Liberals, having reluctantly adopted the Newcastle Program for party reasons, gave a grudging support in the House of Commons to its items, but were only too glad to have the House of Lords save them from their more ardent colleagues. The workingmen joined in the cry of "Down with the Lords" but they blamed the Lords' boldness on the pusillanimity of the Liberals in the Commons. They blamed them also for clinging to office in 1894 instead of dissolving on the House of Lords question as Gladstone had advised. The chief consequences of the Liberals' year in office after Gladstone's retirement were the widening of the rifts within their own party, and the alienation of their working-class supporters.

The budget introduced by Sir William Harcourt demands brief notice because of the statements of the Lords' powers in regard to money bills which it called forth. The measure consolidated the legacy and succession duties in a new "estate" duty, applying equally to real and personal property, and provided for graduation varying from one per cent. on estates of £100 to £500 to eight per cent. on estates over £1,000,000.[107] It also imposed a duty of 6d. a barrel on beer and an additional duty of 6d. a gallon on spirits, items which were opposed by Rosebery before its introduction. Harcourt wrote Morley on April eighth that "R's disquisition would have been thought extreme in its Toryism by Lord Eldon." [108] But when it reached the Upper House, Lord Rosebery opposed as a needless waste of time Salisbury's motion for the postponement of the second reading for one week in order that the House might master its contents. He declared that in his opinion, it was quite unnecessary that they should make themselves masters of the bill

> "because I deprecate altogether the idea that the House of Lords has anything to do with money Bills. Any discussion of it must obviously be academic, and therefore I should have thought 'the least said soonest mended' with regard to this measure." [109]

Lord Salisbury expressed strong dissent from this view.

[106] Asquith, *op. cit.*, I, 231.
[107] *The Liberal Platform,* 1895, Finance and Taxation, p. 255.
[108] Gardiner, *op. cit.*, II, 287.
[109] *Hansard,* fourth series, XXVII, 353.

"The noble Earl must, however, be aware that it has been laid down by Mr. Gladstone that the House of Lords have never admitted the privilege claimed in this matter by the House of Commons, and has never abandoned its right to consider Money Bills; and when the noble Earl lays down, *ex cathedra,* from his present place, such a doctrine as we have just heard from his lips, I am bound to point out what the actual technical form of constitutional right is in this House." [110]

The budget passed in spite of strong opposition, the majority of Lords agreeing with Rosebery that it was beyond their competence to deal with money bills. The labor members were disappointed that provision was not made in the budget for the payment of members. The *Labour Echo* said:

"It was talked about before, and there was hope of Sir William Harcourt putting it into the Budget to keep it from the clutches of the Body-snatchers, above. But Sir William and his tribe don't want paying; they get it already. Therefore it must, like all other reforms they are *promising,* be sent to the Lords lest it should have the misfortune to pass. Don't you see? The majority of the Commons are today pledged to it, and the only way out of the difficulty is to—well, invite the Lords to do the dirty work of kicking it out." [111]

So discordant had the relations within the cabinet and between the cabinet and its party in the House become, that the government welcomed defeat on a snap division as an excuse for dissolution. Describing the election which followed, the *Annual Register* records the prominent opposition of the clergy and the publicans.

"Both parties felt that they were marked out for spoliation and there was no need of any treaty or understanding between them to arouse their hostility."

It repudiates the Liberal charges of a "Beer and Bible" or "Gin and Gospel" alliance, asserting that "self-preservation or self-interest in each case took the place of an even verbal treaty of alliance or mutual good will.[112] The mere proposal of Welsh disestablishment and local veto were sufficient to alarm the Church and the "Trade"; but something more tangible in the way of accomplishment was required to secure the support of the workingmen. *The Radical Programme* issued by the Metropolitan Radical Federation of London in 1897

[110] *Hansard,* fourth series, XXVII, 354.
[111] *Labour Echo,* Feb. 23, 1895.
[112] *Annual Register,* 1895, "English History," pp. 149–150.

blamed the defeat which now occurred on the people's loss of confidence in the Liberal leaders.

"Even the almost unprecedented combination of monopolies and vested interests—most of which had been threatened and irritated, but not effectively dealt with by the Government of 1892–1895—would have been powerless to return Lord Salisbury to power if the mass of the workers had believed the Liberal leaders to be earnestly desirous of carrying out the Radical reforms to which they are pledged." [113]

Gladstone's parting instructions to his party were to concentrate on a campaign to abolish the veto of the House of Lords, and Harcourt's speeches at Portsmouth and Derby, before Gladstone's retirement, promised that he, at least, would pursue such a campaign vigorously. But the appointment of Lord Rosebery put a different complexion on the matter. Moreover, while each of the bills rejected by the Lords raised a storm of protest from some group or section of the electorate, their separate causes of resentment did not merge to form a general and widespread clamor against the Upper House. Hardie admitted this in his presidential address at the annual conference of the Independent Labour Party in 1894.[114] Morley, writing to Harcourt in September, 1894, said:

"The plain truth is that we can do nothing with the House of Lords unless they really resist the will of the British constituencies—and this they are not now doing."

Harcourt replied:

"I entirely concur with you in the opinion that under the present circumstances, and with the government *as at present constituted* it is simply ridiculous to talk of tackling the House of Lords." [115]

When the election campaign began in 1895, Morley favored home rule for the main issue, Harcourt local option, while others preferred Welsh disestablishment. Lord Rosebery thought the House of Lords issue most likely to unify the party, though doubting its chance of success.[116] It is hard to see how it would have unified the party. Lord Rosebery favored a reformed second chamber, but not only Labou-

[113] *The Radical Programme, being the Political Manifesto of the Metropolitan Radical Federation* (London, 1897), p. 1.
[114] *Report of the Second Annual Conference of the I. L. P.*, Manchester, 1894.
[115] Gardiner, *op. cit.*, II, 306–307.
[116] *Ibid.*, 368.

chère and the left wing, but Harcourt, too, wanted "ending," not "mending"; while the Laborites were positively opposed to "reform." The demonstrations against the House of Lords which the workingmen held in Hyde Park in 1894 demanded at least abolition of the Lords' veto, if not entire abolition of the Upper Chamber.[117] When Rosebery began to talk about a reformed second chamber, the *Labour Leader* printed an editorial headed "Cut it Down," in which it said in part:

"Now the House of Lords is a body which cannot be permanently tolerated in a democratic country, but it is easily possible to conceive of a more dangerous second chamber. After all, the collective intellect of the peers is an insignificant factor, while their collective stupidity is of abnormal dimensions. And further, it is always possible to coerce them into submission. But a House of Lords composed of 'captains of industry,' of subtle financiers, and of stock jobbing Jerry Diddlers, would be a far more dangerous body than the landed aristocrats who compose the majority of the present second chamber. The more cunning upholders of privilege realize this; hence the anxiety to reform the House of Lords, which as an obstructive weapon is getting played out." [118]

The combined result of the more than usually bitter and active opposition and the dissensions and defections of its normal supporters was a crushing defeat for the Liberals at the polls. The House of Lords had gained another reprieve, thanks to the divisions in the ranks of its enemies. Would it use the new opportunity granted it to strengthen its position by such reform as its friends, both Liberal and Tory, urged the need of, or, secure from attack during a Tory régime, would it postpone action until new circumstances had given strength and unity to its opponents? The platforms of the Irish Nationalist and the Independent Labor parties called for the abolition of the House of Lords, and the Liberals were determined either to "mend or end" it. It seemed clear in 1895 that the House of Lords would either have to remodel its constitution so as to bring it into greater harmony with the views of the country, or else to restrict its opposition to narrower limits if it was to escape the combined attack of its enemies the next time they came into power.

[117] *The Clarion,* March 24 and September 1, 1894.
[118] *The Labour Leader,* October 5, 1895, p. 7.

CHAPTER VI

The Challenge of the Lords, 1909

"It must never be forgotten that whenever the House of Lords comes to be seriously regarded as the mere instrument of the political party which happens to predominate within its walls, its doom is sealed."

The Earl of Pembroke, 1885.[1]

In the election of 1895 in which the Liberal Unionists and the Conservatives merged to form the Unionist party, they returned 411 members against a combined Liberal and Nationalist strength of 259. In the general Liberal rout, even Harcourt and Morley lost their English seats and had to take refuge in Wales and Scotland. As both the Liberals and the Nationalists were torn by internal dissensions, the Unionists had an unusually free hand. Would they, under the influence of Chamberlain and the Tory democrats, take advantage of their opportunity to prove themselves less bound by *laissez-faire* doctrines than the Liberals and so win the allegiance of the working-men? Would they prove the claim that they had been making on the platform to be the real party of "Peace, Retrenchment and Reform"? Or would they justify Lord Randolph Churchill's fears and the taunts of the Liberals "that the Tory party are the war party, that they are the extravagant party, that they are the do-nothing and obstructive party"?[2]

To woo the British working-men, the Unionists had nothing to offer but tariff reform and imperialism. That this did not prove attractive is shown by the determination of the Trades Union Congress in 1899 to secure more adequate representation in parliament for organized labor. A conference was held the following year comprising delegates from the Trades Union Congress, Trades Councils, the Independent Labor Party, the Fabian Society, and the Social Democratic Federation, when the Labor Representation Committee was organized. It practically constituted the British Labor Party—although that name was not adopted until 1906—with its own program, caucus

[1] *Nineteenth Century*, 1885, XVII, 247.
[2] Churchill, *Life of Lord R. Churchill*, II, 266.

and party whips. The party was financed by the dues of its members; and since the Trades Union Congress formed the largest element in its membership, it supplied the bulk of the party funds. The decision of the House of Lords in the *Taff Vale* case in 1901, which threatened to cripple the unions by making them liable for damages resulting from strikes, lent added zeal to their efforts to increase their representation in parliament. Alluding to the attitude of the two major parties to such questions as trade-unions, unemployment, old age pensions, *etc.*, Keir Hardie said in 1903:

"One set of them—I am not now alluding to party divisions—seem to talk of little else but Empire. . . . Another set of politicians are full of sympathy with us—I do not want to suggest motives, but I fancy that since the inception and growth of the Labour Representation Movement, the volume of sympathy has increased." [3]

Discouraged by the fruits of "resolute government" as shown in 1886–1892, the Unionists now sought to "kill Home Rule by kindness." The land acts, the establishment of the Congested Districts Board, and above all the establishment of the Department of Agriculture did much to improve the material condition of the Irish rural population; but the Nationalists were no less determined than before to secure home rule. The healing of the split in the Nationalist ranks which had existed since Parnell's divorce, and their union under the leadership of John Redmond in 1899 greatly improved their fighting qualities.

The inception of the naval race against Germany and the jingo conduct of the Colonial Office under Chamberlain which led to the Boer War did much to justify the charge that the Tory party was the "war party" and the "extravagant party." To be sure these measures had the support of a section of the Liberal party, which was split into a "little Englander" and an imperialist faction. On the retirement of Harcourt in 1898, the latter seemed to be in complete control of the party, Lord Rosebery being the nominal leader, warmly supported by Asquith, Grey and Haldane. During the war, Sir Henry Campbell-Bannerman, who had succeeded Harcourt as leader of the little Englander section of the party, was one of the best-hated men in the country because of his outspoken condemnation of the policy which had led to the war, and the "methods of barbarism" which the

[3] *Report of the Third Annual Conference, Labour Representation Committee,* 1903.

military authorities used in stamping out the guerilla bands at its close. He and Mr. Lloyd George, who shared his views, were in danger of their lives from mobs on more than one occasion. The party was so torn by these internal feuds, that they might have remained out of office even longer but for the action of the Tories. Their policy in dissolving parliament in 1900 to secure the aid of the war fever in the election was bitterly resented by the Liberals and criticized even by some of the Tory leaders. Wilfred Blunt recorded in his *Diary* that George Wyndham (Irish secretary in the Tory cabinet) had told him that

> "he considered the Tory Party had ruined its prospects by forcing on the General Election after the Boer War, the Khaki election. It had been all Chamberlain's doing, he, George, having strongly opposed it in the Cabinet. It was unfair according to the rules of Party politics, and they were suffering from it now." [4]

It must have been something of a blow to both Tories and Liberal imperialists to see both Campbell-Bannerman and Mr. Lloyd George retain their seats in the Khaki election, the latter being returned by the largest majority he had ever received.

The Tories, however, took advantage of the majority gained in an election in which the war had been the sole issue to pass two highly controversial measures. Balfour's Education Act of 1902, which increased the government grants to Church schools without subjecting them to public control, enraged the Dissenters. The opposition to the measure in Wales was so united that the government was unable to put the Act into force there. The Licensing Act of 1904, regarded as over-favorable to "the Trade," was opposed by all the friends of temperance, strongly represented in the Liberal and Labor parties. Resentment against these two measures, and the manner in which they were forced upon the country after an election fought on other issues, did much to unite the discordant elements in the Liberal party into an effective opposition. But the greatest boon to the Liberals was the adoption of Chamberlain's tariff reform policy, which split the government ranks, and furnished a common rallying ground for the Liberals and Laborites.

Lord Salisbury retired from the premiership in 1902 and was succeeded by his nephew, Arthur Balfour, who had already been leader of the House of Commons for some time. In the three years which

[4] Blunt, *My Diaries,* II, 171.

followed, the Unionists steadily lost ground in parliament and in the country. Before the close of 1905, they were being taunted by the opposition with clinging to office and not daring to challenge the decision of the electorate. Mr. Lloyd George said of the Tory cabinet, when it looked as if they would postpone the election until 1906, "They will die with their drawn salaries in their hands." [5] But they finally resigned in December, 1905, evidently thinking it would be a disadvantage to the Liberals to have to take office before the general election.

With a Liberal government again in office, renewed conflict between the Houses was to be expected. Before dealing in detail with the history of that conflict, it may be well to summarize the position of the Lords at the moment they elected to throw down the gauntlet to the Commons. During the ten years of Tory government, no conflicts had occurred. The Upper House had registered docile assent to whatever legislation was sent them from "another place." Speaking in 1907 on the contrast between the Lords' vigilance when the Liberals were in office and their easy acquiescence when the Tories were in power, Campbell-Bannerman said:

"I have looked into the return of Bills sent up to the other House under their Government, and I find that four days were given by the Lords to the Irish Local Government Bill—or rather, I should have said four days were given to the Lords for the Irish Local Government Bill; one day for passing through all its stages the Factory Act, 1901, a measure of more than one hundred clauses; eight days to the Education Bill, 1902; six days in August, to the Irish Land Bill; and five days in August to the Licensing Bill. It has been the invariable practice with the late Government to send up a heavy batch of Bills at the very last moment to be dealt with in the course of a day or two immediately before the rising of Parliament. The truth is that for many years past they have made no pretence of paying much respect to the other House." [6]

When the Tories had come into office in 1895, the friends of the bicameral system had urged upon Lord Salisbury and the Tory party the need to reform the House of Lords while they had the opportunity. But as Bryce had predicted, they did nothing. It was thus an unreformed and unrepresentative Upper House which challenged the House of Commons. Its composition was the same—barring the reduced number of spiritual peers and the introduction of Lords of Appeal—as before the first Reform Act. While the House of Com-

[5] Sir Almeric Fitzroy, *Memoirs,* 2 v. (London, 1925), I, 266.
[6] *Hansard,* fourth series, CLXXVI, 923.

mons could point to three instalments of reform which had made it more representative of the nation as a whole, the sole reforms which the Lords could cite were the abolition of proxies in 1868 and the exclusion of bankrupts in 1871.

While the composition of the House of Lords remained unchanged, its powers had, in the view of most writers on the constitution, undergone some modification. It had lost control of the executive government, including the control of foreign affairs and administration generally. A vote of censure by the Lords no longer affected the fate of a government, although it was generally considered necessary to counteract it by a vote of confidence from the Commons. Most persons, Liberal or Tory, considered that the Lords had lost control of the financial policy of the government. Since 1860, most of the financial legislation of the year had been embodied in a single bill, which, according to generally, though not universally accepted tradition, the Lords could not touch. In 1894, Sir William Harcourt rechristened the Customs and Inland Revenue Bill as the Finance Bill and embodied in it his "death duties." Although Salisbury on this occasion protested against Rosebery's statement of the Lords' financial impotence, he did not advise rejecting the measure. In 1899 a Conservative chancellor of the exchequer, Sir Michael Hicks-Beach, incorporated changes in the arrangements for the national debt, formerly dealt with in separate bills, in the single Finance Bill, thus further limiting the financial powers to which the Lords still theoretically laid claim. But it was generally assumed that while in theory the Lords claimed to maintain their financial powers unimpaired, in practice they would not dare to exercise them.

The loss of their judicial power, in fact though not in name, has been referred to in an earlier chapter. The fact that the highest court of appeal was still nominally the House of Lords led to some confusion in the popular mind resulting in much unmerited criticism of the Lords in connection with the Taff Vale and Osborne decisions.

As to their legislative power, the late Professor Dicey held that the rule "that the House of Lords must in matters of legislation ultimately give way to the House of Commons is one of the best established maxims of modern constitutional ethics." Where the Lords had seemed to defy this maxim, as under Lyndhurst's leadership between 1834 and 1840, Dicey held the real cause to be "that on the matters in question the electors were not prepared to support the Cabinet in taking the steps necessary to compel the submission of Lords."

"On any matter upon which the electors are firmly resolved, a Premier, who is in effect the representative of the House of Commons, has the means of coercion, namely, by the creation of Peers." [7]

Lord Salisbury once took occasion to express his dissent from Dicey's view in regard to the creation of peers in case of conflict between the Houses.

"I think," he said, "that Constitutional Law requires general acceptance and the acceptance of both sides in politics: and I can safely say that no such doctrine has ever been accepted by the Conservative Party." [8]

But Dicey was not alone in his belief. Bagehot had expressed the same view; and so had Anson and Courtney. Hearn alone of the principal constitutional writers of the century denied the right of the Crown to override the persistent opposition of the Lords by the creation of peers. At bottom, there was essential agreement on all sides and in both parties. Bagehot, Dicey, Anson would all have agreed that the creation of peers to "swamp" the House of Lords was only justified where that House was in opposition not only to the House of Commons, but to the nation, as was the case in 1832. Certainly from the middle of the century, probably from the first Reform Act, no Conservative leader would have claimed that the House of Lords was justified in opposing the expressed will of the nation. Salisbury had stated repeatedly that while the House of Commons was not master, the nation was, and when the nation had spoken, the Lords must bow to its decision. True, the two Houses—and the two parties—might, and often did differ in their interpretations of the will of the nation, or the means of ascertaining it. The Liberals held that any measure embodying a policy which formed a prominent item in the program of the party returned to power in a general election should be accepted by the Lords as having the sanction of the people. The Lords might amend it in detail, but any amendments which affected the principle as accepted at the election were an infringement of popular sovereignty and the representative system. The Tories—when the Liberals were in power—accepted this doctrine only in an attenuated form. They were inclined to question the "mandate" of the House of Commons unless the issues in the election had been so limited as to constitute practically a referendum. Where the issues were not so

[7] Albert Venn Dicey, *Introduction to the Study of the Law of the Constitution,* third edition (London, 1889), p. 381.

[8] *Hansard,* third series, CCCXXVII, 390.

limited or so clear, the Tories, through the House of Lords, refused to acknowledge the House of Commons' majority as the genuine expression of the nation's will, and claimed the right to refer any measure in dispute directly to the people through a new election. In practice, the House of Lords usually accepted the two or three major measures of a newly elected Liberal House of Commons, whatever their opinion of their merits, as representing the will of the people expressed at the polls. Minor measures, or major measures passed by a House of Commons not fresh from the polls, they felt free to treat in accordance with their own convictions. Obviously, this practice worked to the advantage of the Tory party so far as minor legislation was concerned. But allowing for minor differences, both parties accepted the right of the people to decide. This meant that resort to the creation of peers, which the Tories condemned as unconstitutional, could only be necessitated by action on the part of the Lords which every Conservative leader from Lord Cairns to Lord Lansdowne had condemned as unconstitutional also. So long, therefore, as the Lords kept within the constitutional limits recognized by Conservative leaders, they had no need to fear "swamping"; and within those limits they were still free to exercise a very wide discretion in rejecting, amending and delaying the measures submitted to them. It was this legislative power—the principal power remaining to the Lords—which they jeopardized by their treatment of Liberal legislation from 1906 to 1909, culminating in their rejection of Mr. Lloyd George's budget.

Lord Rosebery having resigned, the leadership of the Liberals had passed to Campbell-Bannerman, much to the dismay of the Liberal imperialists. The latter were strong enough to ensure consideration, and were more than amply represented in the new cabinet by Asquith, Grey and Haldane. The new prime minister, a stout, easy-going, humorous Scotsman, was thought by many to be hardly equal to such an office. He had always belonged to the radical section of the party, and in spite of a fondness for short sessions and long vacations, he proved a more sincere advocate of social reform than many of his younger colleagues, while his leadership of the House of Commons showed strength, courage and resourcefulness to a degree that surprised even his best friends.

The general election of January, 1906, proved a complete rout for the Unionists. Six members of the Tory cabinet were defeated, though Balfour subsequently found a seat in the City of London. All told,

the Unionists numbered only 152, while the Liberals, with 377, had a great majority independent of the Irish and the Laborites. Even more surprising to the general public was the success of the Labor Representation Committee in placing fifty candidates in the field, twenty-nine of whom were victorious. Following this victory the Committee changed its name to the "Labor Party." Mr. Beer thinks that "Society" first awoke to Socialism as a force to be seriously reckoned with as a result of the election of 1906.[9] In addition to the twenty-nine independent Labor members, fourteen miners' representatives were returned as Liberals. The Liberal platform at the election had contained promises of a generous measure of social reform. Land reform, including taxation of site values, licensing reform, workmen's compensation insurance, old age pensions, the repeal of the Tory Education Act of 1902, and the protection of the trade-unions were among the numerous items. Conservatives were greatly alarmed at the prospect. Blunt recorded that people talked of "violent democratic changes," but he for one did not believe in them because he thought the Liberals would "split up into two camps, Whig and Socialist, and in their wrangles things will continue to drift on much as they are." [10]

Blunt's prophecy might very well have proved true but for the action of the House of Lords, which gave another turn to affairs. We have already seen how the Irish Nationalists and the Labor party had come to look upon the Upper House as the stronghold of special interests which must be overthrown before they could attain their ends. Many of the Liberals regarded it as an instrument of partisan obstruction, which functioned only when the Liberals were in office. As Labouchère had said, it gave the Tories the same advantage that loaded dice or an ace up the sleeve give to a gambler.[11] Probably most Liberals expected in 1906, in view of the opinions expressed and warnings given in 1884–1895, and in veiw of the unprecedented Liberal majority, that the Lords would be prudent and circumspect and do their utmost to avoid collision. The best friends of the Lords in both parties and both Houses hoped they would adopt this line; but they were soon to be disillusioned. The policy of the Tory leaders was indicated in an exchange of letters between Lord Lansdowne and Balfour. The former urged the need for close coöperation between the opposition front benches in the two Houses, in which Balfour readily concurred.

[9] Beer, *History of British Socialism*, p. 321.
[10] Blunt, *op. cit.*, II, 129.
[11] *Hansard*, third series, CCCXXIII, 773; and CCCXLII, 1527.

He added an interesting diagnosis of the political situation as he saw it:

"There has certainly never been a period in our history in which the House of Lords will be called upon to play a part at once so important, so delicate, and so difficult. . . . I conjecture that the Government methods of carrying on their legislative work will be this: They will bring in Bills in a much more extreme form than the moderate members of their Cabinet probably approve: the moderate members will trust to the House of Lords cutting out or modifying the most outrageous provisions: the Left Wing of the Cabinet, on the other hand, while looking forward to the same result, will be consoled for the anticipated mutilation of their measures by the reflection that they will be gradually accumulating a case against the Upper House, and that they will be able to appeal at the next election for a mandate to modify the constitution.

"This scheme is an ingenious one, and it will be our business to defeat it, as far as we can.

"I do not think the House of Lords will be able to escape the duty of making serious modifications in important Government measures, but, if this is done with caution and tact, I do not believe that they will do themselves any harm. On the contrary, as the rejection of the Home Rule Bill undoubtedly strengthened their position, I think it quite possible that your House may come out of the ordeal strengthened rather than weakened by the inevitable difficulties of the next few years.

"It is, of course, impossible to foresee how each particular case is to be dealt with, but I incline to advise that we should fight all points of importance very stiffly in the Commons, and should make the House of Lords the theatre of compromise. It is evident that *you* can never fight for a position which *we* have surrendered; while, on the other hand, the fact that we have strenuously fought for the position and been severely beaten may afford adequate ground for your making a graceful concession to the Representative Chamber." [12]

But the first public indication of the line the Lords were to follow sounded less discreet and conciliatory than one might expect from the preceding letter. It was given in a speech by Balfour at Nottingham, January 15, 1906, just after his defeat at Manchester in the general election.

"It was," he said, "the bounden duty of each one whom he addressed, to do his best to see that 'the great Unionist Party should still control, whether in power or whether in opposition, the destinies of this great Empire.'" [13]

Just what Balfour meant by this was shown in the action taken on

[12] Lord Newton, P. C., *Lord Lansdowne: A Biography* (London, 1929), pp. 353–355.

[13] Asquith, *Fifty Years of the British Parliament*, II, 44.

the Education Bill. On the third reading in the House of Commons, he declared that

"the real discussion must be elsewhere"; and that "it is in the highest degree improbable that the Bill will come back in the shape in which it leaves us." [14]

Asquith tells us this was known at the time as Balfour's "signal to the House of Lords." [15] When the bill returned to the House of Commons in December, 1906, it had been as completely transformed as the Irish Corporation Bill of 1835 or Disraeli's Reform Bill of 1867. The cabinet decided to reject the Lord amendments *en masse;* and this decision was ratified by the House by a majority of over three hundred. On its return to the Lords, it was rejected by a vote of 142–53, in spite of the counsels of prudence of the duke of Devonshire and others. Sir Almeric Fitzroy notes in his diary that the reason why no compromise was reached was that

"The Tories are persuaded that the issue will not be the House of Lords v. the People, but Church v. Chapel, and on that basis they believe it possible to reconstruct the Opposition as an effective force." [16]

A month later he records that

"Sir H. Campbell-Bannerman makes no secret of it that if there had been only the Archbishop of Canterbury to deal with, a compromise could have been arranged. . . ." [17]

As soon as the Lords' rejection was known, questions were asked in the House of Commons as to what steps the government intended to take to curb the Lords' use of their veto power. When Campbell-Bannerman concluded his reply by saying that

[14] *Hansard,* fourth series, CLXII, 545.

[15] Asquith, *op. cit.,* II, 49.

[16] *Memoirs,* I, 310. Even before the Education Bill had been returned to the House of Commons, the House of Lords had been made the object of attack in public speeches by two of the radical members of the cabinet. This gave great offence to the King who protested vigorously to the prime minister. It required all of Campbell-Bannerman's diplomacy to impose the necessary restraint on his followers and at the same time to defend their views to the King. When the King was persuaded that the Lord's amendments had given rise to serious friction between the Houses, he used his influence to secure a compromise, but without the success attending his mother's efforts on similar occasions. J. A. Spender, *The Life of The Right Hon. Henry Campbell-Bannerman, G. C. B.,* 2 v. (London, n. d.), II, 227–228 and 313–316.

[17] Fitzroy, *Memoirs,* I, 312.

"a way must be found, and a way will be found, by which the will of the people expressed through their elected representatives in this House, will be made to prevail,"

his words were welcomed by tumultuous cheering.[18] Campbell-Bannerman inclined to dissolution at once, remembering Rosebery's error in 1894, but the majority of the party opposed risking their majority when they had hardly begun their work, and many thought the Education Bill an unfavorable measure on which to join issue. Although it had formed an important item in the Liberal program and had passed the House of Commons by a majority of 192, many Liberal and Labor members were dissatisfied with it, and it was obnoxious to the Irish Catholics for opposite reasons. So the final battle was postponed to allow the Lords to "fill up the cup," as the phrase of the day had it.

The Lords did their best to hasten the day of reckoning. To be sure they passed the Trades Disputes Bill, but the arguments used by Lord Lansdowne to persuade his party to accept it were not well-calculated to enhance the reputation of the House. He said the bill had the approval of the workingmen of the country. In a period like the present when conflicts were likely to occur, they should take care to join issue on ground as favorable as possible to themselves. He urged the House to pass the bill, though he concluded his remarks by a hearty condemnation of it on its merits.[19] Lord Halsbury protested against Lansdowne's recommendation, saying he thought it a new practice for the House to admit a bill to be "injurious, dangerous, and unjust," and not to divide against it. In spite of Halsbury's protest, both second and third readings were passed without a division.[20] The argument used by Lansdowne in the case of the Trades Disputes Bill, that the principle of the bill had been approved by the electorate, applied with equal force to the Plural Voting Bill; but the contents of the latter being more obnoxious to the Lords, the argument was not allowed the same weight. The law still allowed an elector to vote in every county division and in every borough in which he had property constituting a voting qualification. This, of course,

[18] Spender, *op. cit.*, II, 312.

[19] *Hansard,* fourth series, CLXVI, 702–703.

[20] *Hansard,* fourth series, CLXVI, 704 and 735; CLXVII, 813. The purpose of the Trades Disputes Bill was to reverse the decision of the courts in the Taff Vale case: its effect was to confer on the unions a specially favored legal position which was considered dangerous and unjust even by some friendly critics. See Webb, *History of Trade-Unionism,* revised edition, pp. 604–608.

gave a tremendous advantage to the party containing the largest number of property owners which they were loath to part with. Blunt, for instance, records that in December, 1910, he was entitled to five votes —and they were close enough together so that he might have cast them all, even if voting had been limited to a single day as it was not until 1918.[21] The bill to abolish this Tory advantage passed the House of Commons by a majority of 333–104, and was rejected by the Lords a week later by a majority of 43–143.[22]

The Lords, then, had rejected in the first session of a newly elected parliament two bills which had been before the people at the polls, and which had passed the House of Commons by large majorities. This action was "unconstitutional," even according to Salisbury's definition of the proper rôle of the House of Lords. According to his doctrine, the House of Lords should have passed the Education and Plural Voting Bills, as they passed the Irish Church Bill in 1869. In 1884, the Lords could at least claim that the House of Commons was in its fourth session, and that franchise without redistribution was incomplete; and in 1893, home rule had passed by a much smaller majority, and there was ground for believing it was not supported by the majority of the English constituencies. The result of the action of the Lords in 1906 was that when the King opened the second session of parliament on February 12, 1907, he referred to "serious questions affecting the working of our Parliamentary system" and announced that "My Ministers have this important subject under consideration with a view to a solution of the difficulty." [23] The action foreshadowed in the King's speech was the introduction of the following resolution on June 24, 1907:

"That, in order to give effect to the will of the people as expressed by their elected representatives, it is necessary that the power of the other House should be so restricted by law as to secure that within the limits of a single Parliament the final decision of the Commons shall prevail." [24]

Speaking in support of this resolution, Campbell-Bannerman condemned the recent argument and action by Mr. Balfour in no uncertain terms. After claiming that the representative system held good only when the Tories were in office, he continued:

[21] Blunt, *op. cit.*, II, 346.
[22] *Hansard*, fourth series, CLXVI, 680 and 1518.
[23] *Ibid.*, CLXIX, 3.
[24] *Ibid.*, CLXXVI, 909.

"The situation, as the House knows, has been aggravated by the part taken by the right hon. Gentleman opposite. He speaks for a comparatively small minority here, and he has affected to dispose of the other House for the purpose of dominating us in a manner that I venture to say is without precedent. . . .

"I cannot conceive of Sir Robert Peel or Mr. Disraeli treating the House of Commons as the right hon. Gentleman has treated it. Nor do I think there is any instance in which, as leaders of the Opposition, they committed what I can only call the treachery of openly calling in the other House to override this House. [Cheers, cries of "Withdraw."] These great statesmen were House of Commons men. I venture to say that if Bills were mutilated or rejected elsewhere when Sir Robert Peel sat upon that bench, it was not done at his instance. The right hon. Gentleman's course has, however, had one indisputable effect. It has left no room for doubt, if it had ever existed before, that the second Chamber was being utilized as a mere *annexe* of the Unionist Party." [25]

In replying, Mr. Balfour made an interesting admission which was often quoted in 1909–1910:

"We all know that the power of the House of Lords . . . in the sphere of legislation and administration, is still further limited by the fact that it cannot touch those Money Bills, which if it could deal with, no doubt it could bring the whole executive government of the country to a standstill." [26]

To the motion as introduced, Mr. Arthur Henderson, on behalf of the Labor party, moved an amendment that the House of Lords being representative "only of interests opposed to the general well-being, is a hindrance to the National progress and ought to be abolished." The Labor amendment was defeated, the Irish Nationalists voting with the Labor Party; and the government's resolution was carried, 432–147, the Labor party and the Irish voting with the government.[27]

Following the passage of the government's resolution, a cabinet committee drew up a scheme for the settlement of disputes between the Houses. The committee proposed that in case of disagreement a joint session should be held of the whole House of Commons with a delegation of one hundred peers, including all members of the government. The question at issue should be decided by a joint vote of this composite body. Campbell-Bannerman objected to this plan for several reasons.

[25] *Ibid.*, CLXXVI, 915–916.
[26] *Ibid.*, CLXXVI, 929–930.
[27] *Ibid.*, CLXXVI, 1514–1523, June 26, 1907.

"1. The representation of the peers by 100 only of their number is difficult to justify. . . . And a scheme which is to obtain general assent should be easily intelligible to the plain man."

"2. The scheme suggests a return, with modifications, to the old plan of formal Conferences between the two Houses. But an assembly of 770 persons is too big for a Conference. It will be a multitude, a mob. Any real deliberation or discussion and any diplomatic give-and-take arrangement will be impossible. The question at issue will be decided by vote, and the voting will be on strict party lines. . . ."

"3. Unless the Government can count on a working majority of about 70 in the Commons the scheme will break down. And a Government with a smaller majority will be in a worse plight than they are at present. For the Lords will argue that special machinery has been devised for settling differences between the two Houses, and will refuse to give way unless resort is had to that machinery."

Campbell-Bannerman suggested an alternative scheme involving a small conference and a suspensory veto, which he believed involved less change from the existing practice and could be worked more easily. He summarized the bill that would be necessary to give effect to it as follows:

"1. If in any Session a Bill sent from the House of Commons to the House of Lords fails to become law, by reason of the House of Lords having rejected the Bill, or postponed its consideration, or made amendments to which the House of Commons does not agree, a Conference shall, unless the Government otherwise determine, be held between members appointed by the House of Lords and the House of Commons respectively, with the view of arriving at a settlement of the difference between the two Houses." [The conference might, if preferred, be held at an earlier stage. Its members were to be limited to five or ten from each House, meeting privately and informally, with power to recommend, not to decide.]

"2. If, after the Conference the Bill is reintroduced into the House of Commons, with or without modifications, and is again sent to the House of Lords, and again fails to become law, it may, in the next subsequent Session, be again introduced in the form which it was last agreed to by the House of Commons, and if passed by the House of Commons in that form, and again sent to the House of Lords, it shall, in default of an agreement between the two Houses, have effect as if passed by both Houses, and shall be enacted in the customary words accordingly."

In concluding his memorandum on the merits of this scheme, Campbell-Bannerman wrote:

"What is essential is, that the power of overriding the Lords should be available as a last resort. If such a power existed the Lords would, except

when dealing with a shaky Government or towards the close of a Parliament, practically always give way at an earlier stage." [28]

The failure to take further action on either of these schemes was due in part, doubtless, to differences within the cabinet; but the decisive factor was the illness and death of Campbell-Bannerman, and the succession of Asquith to the premiership in the spring of 1908.

The threat of reform thrust upon them from without led to an attempt by Lord Newton to stave off attack by internal reform on the part of the Lords. His bill, introduced May 6, 1907, proposed the reconstruction of the House on the following lines:

1. Peers possessed of certain qualifications were to sit in the House of Lords.
2. Unqualified peers were to elect one-fourth of their number to represent them in the House at the beginning of each parliament.
3. Peers neither qualified nor elected as representatives were to be eligible to the House of Commons.
4. Spiritual peers were to be represented by members elected by the whole episcopal body.
5. Life peers were to be appointed by the government of the day.[29]

The duke of Devonshire made his last speech in the House of Lords on this occasion. Speaking in support of Lord Newton's bill, he commended as the true canon which the House of Lords should accept, the canon of Lord Salisbury as expounded at the time of the Irish Church Bill: that while the House of Commons is not supreme, the nation is, and when the nation's will is plainly expressed, the House of Lords should acquiesce, even against its own convictions.[30]

The earl of Crewe, government leader in the House of Lords, opposed Lord Newton's bill on the ground that it was

"not expedient to proceed with the discussion of various proposals for reforming the constitution of this House until provision has been made for an effective method of settling differences which may arise between this House and the other House of Parliament.[31]

[28] Campbell-Bannerman's criticism of the scheme of the cabinet committee and his alternative suggestions are taken from a memorandum presented to his colleagues May 31, 1907, and quoted in full in Spender's *Life of Campbell-Bannerman*, II, 350–355.

[29] *Hansard*, fourth series, CLXXIII, 1203 f.

[30] *Ibid.*, CLXXIV, 15–16.

[31] *Ibid.*, CLXXIII, 1223.

Moreover, he thought the changes proposed by Lord Newton and others would do nothing to change the partisan character of the House; and that the notion that there existed "a sort of reservoir of eminent men who are not partisans and who might profitably be added to the House" was "pure fallacy." [32]

In spite of Lord Crewe's opposition, a select committee with Lord Rosebery as chairman was appointed to draw up a plan of reform. The report submitted in December, 1908, was in general similar to the schemes previously proposed by Lord Dunraven in 1888, and by Lord Newton the year before.[33] Lord Rosebery submitted a minority report of one and refused to associate himself with the recommendations of the committee. The report was shelved and no further action taken.[34]

During these discussions of possible reform, the Lords continued their policy of reckless obstruction to actual legislation. The Small Landholders' (Scotland) Bill was abandoned because of the Lords' amendments, and the Land Valuation Bill was rejected by the Lords in 1907 and again in 1908. The Licensing Bill, 1908, which had passed the House of Commons by a majority of 237, was rejected on second reading by the Lords, 272–96, after a three days' debate following a private meeting of Unionist peers at Lansdowne House on November twenty-fourth. This action was taken despite the intercession of the King and of Lord Milner. The King had an interview with Lansdowne on October twelfth in which he urged the Lords to adopt a policy of compromise and concession in regard to the Licensing Bill. Lansdowne replied that no decision had been reached, but that the Lords' experience with the Old Age Pensions Bill, in which their amendments had been treated as "privileged," had made them wary of trusting to amendments. On November twenty-second, Lord Milner wrote urging concession lest rejection should check the waning popularity of the government and give it a new lease on life. In the meeting at Lansdowne House only about ten peers opposed rejection, but they included Lords Cromer, Milner, St. Aldwyn and Balfour of Burleigh. Lord Newton thinks that

"the argument that chiefly influenced the majority was that any important amendments would be treated by the Commons as a breach of privilege,

[32] *Ibid.*, p. 1235.

[33] William Sharp McKechnie, *The Reform of the House of Lords* (Glasgow, 1909), pp. 106–110.

[34] *Official Reports, Lords,* 1911, VIII, 519.

and the conviction that an early collision between the two Houses had now become inevitable." [35]

Unquestionably the many measures introduced by the Liberal government touched numerous vested interests in tender spots; but it is also true that the legislation proposed, up to 1909, fell short of the promises of the Liberals and the expectations of the Laborites. The government's majority of the House of Commons was so heterogeneous that it was imposible to satisfy all factions, and the inevitable result was that it was losing favor within and without parliament. It might have retired with its modest harvest of reforms and its battle with the Lords unfought but for the unprecedented action of the Lords on Mr. Lloyd George's budget of 1909.

If the government was to carry out social reforms such as old age pensions and health insurance demanded by progressives, and the army reform and dreadnought construction demanded by the imperialists, new sources of revenue must be tapped to pay the costs. Either program alone might have been paid for out of the regular taxes, but both together entailed a vast increase in the costs of government. To supply the added revenue, Mr. Lloyd George, chancellor of the exchequer, proposed an increase in most of the existing customs and excise taxes and in the death duties and income taxes, in the latter of which the government now differentiated between earned and unearned income. The luxuries of the rich were to pay an increased share of the tax burden in the form of motor car and gasoline taxes; liquor licenses were heavily taxed; and the landlords were obliged to share with the government the profits derived from the increased value of their property. This last item, the "unearned increment" expounded by Henry George, whose writings had been widely read in England, had been urged by Radicals and Laborites for many years. They had been greatly disappointed that it was not included in Harcourt's budget in 1895. It was the licensing tax, however, practically embodying the legislation rejected by the Lords in 1908, and the land valuation clauses required to make possible the site valuation tax, which was similar to the Land Valuation Bills rejected by the Lords in 1907 and 1908, which especially roused the ire of the Lords and lent support to their charge that the budget was not exclusively a financial measure, but involved "tacking." [36] In view of

[35] Newton, *Lord Lansdowne,* pp. 368–370.

[36] L. T. Hobhouse in an article in the *Contemporary,* XCVI, 644–645, compared the action of the Lords in 1860 and in 1909. In 1860 they rejected the

the greatly increased taxation since brought about by the war, the furore created by Mr. George's budget seems almost incredible. "Society" was aroused as it had been by Home Rule in 1886, and the papers and periodicals were full of angry denunciations of the measure as confiscation and robbery. The perfervid oratory used in advocacy of the measure by Mr. Lloyd George and Mr. Winston Churchill, in particular, in which the dukes, two of whom owned large portions of London, came in for an undue measure of abuse, did much to increase the rage of the aristocratic classes toward the authors of this "spoliation." The retorts of the dukes did little to improve the general esteem in which they were held, and some members of their own party were anything but sympathetic. Lord Denman, in the debate on second reading in the House of Lords, quoted from several of the dukes and their Tory critics. The duke of Rutland had said "He would like to place a gag into the mouths of all the members of the Labor Party in the House of Commons" and characterized the Liberals as a crew of "piratical tatterdemalions." The duke of Beaufort had expressed publicly the kindly desire "to see Winston Churchill and Lloyd George in the middle of twenty couple of dog hounds." The duke of Somerset threatened to discharge his estate hands and reduce his charitable donations if the budget passed.[37] Mr. Joynson-Hicks, a Tory, said at Manchester:

"He only wished the Dukes had held their tongues, every one of them. It would have been a good deal better for the Conservative Party if, before the Budget was introduced, every Duke had been locked up and kept locked up until the Budget was over. . . . These men who are going about squealing and saying they are going to reduce their subscription to charities and football clubs because they were being unduly taxed ought to be ashamed of themselves, Dukes or no Dukes."

Mr. Hiram Howell, a Tory, in a letter to the *Times* of August 13th said:

"The Lancashire working men were sick of the selfish cry of 'Property, property, property' and he wished that some one would give the Dukes a

Paper Duty Repeal Bill, the object of which was purely social and the effect of which was to *reduce* revenue; but passed it in 1861 when it was embodied in the single finance bill of the year. In 1909, the Lords accused the Commons of "tacking" because of the land valuation and licensing clauses, but in both these cases, while the object was partly social, it was also largely financial, and the effect was to *increase* the year's revenue.

[37] *Official Reports, Lords,* 1909, IV, 1207–1208.

hint, if they had not already done so, to put away their pocket handkerchiefs." [38]

The budget passed the House of Commons on November 3, 1909, by a large majority although the Irish abstained from voting. Long before this rumors were afloat that the Lords would reject it. According to Mr. Lloyd George's biographer, these rumors rejoiced the heart of the chancellor of the exchequer.

"The Liberal Cabinet, as a whole, refused to believe that the Lords would throw out the Budget, and it was steadily set about through the summer of 1909 that Mr. Balfour and Lord Lansdowne were in favour of passing it. But Mr. Lloyd George persisted in believing the contrary. 'They will throw it out all right!' he would always say cheerfully enough; and the only shadow that would pass over his face would come when some one would half convince him to the contrary." [39]

Mr. Winston Churchill's views have been recorded in Blunt's *Diaries:*

"He began by saying that his hope and prayer was that they would throw out the Bill, as it would save the government from certain defeat if the election were put off. The Budget, once it became law, would be immensely unpopular, and everybody would be against it. It was therefore to the interests of the opposition to let it pass."

If the Lords threw it out, he favored dissolution.

"Then if the government came back with a good majority he thinks they could go in for a regular attack on the Lords' veto. He thinks the King would go with them in swamping the House of Lords by a creation of peers, and so would abolish the veto." [40]

More conservative members of the cabinet did not share these views. Asquith, speaking in Birmingham, September 17, 1909, said:

"Amendment by the House of Lords is out of the question. . . . Rejection by the House of Lords is equally out of the question. . . . Is this issue going to be raised? If it is, it carries with it in its train consequences which he would be a bold man to forecast or foresee. That way Revolution lies." [41]

[38] *Ibid.*, p. 1208.
[39] Harold Spender, *The Prime Minister* (New York, 1920), p. 163.
[40] Blunt, *op. cit.*, II, 286.
[41] Asquith: *op. cit.*, II, 83.

King Edward was alarmed at the prospect and, after consulting Asquith as to the constitutionality of the proceeding, had an interview with Lord Lansdowne and Mr. Balfour on October twelfth, when they seem to have told him the action of the House of Lords was still undecided.[42]

A month later, on November sixteenth, Lord Lansdowne gave notice of the following amendment which he intended to propose on the motion for the second reading of the budget:

"That this House is not justified in giving its consent to this Bill until it has been submitted to the judgment of the country." [43]

Sir Almeric Fitzroy commented on this action that Lansdowne's hands had undoubtedly been forced "by the clamour of the Unionist press and the apprehensions of the Tariff Reformers"; and that it "would play into the hands of the extreme section of their opponents and give them the rallying cry of which they stand so urgently in need." "The teaching of history," he concludes, "hardly wanted this fresh demonstration that the folly of reactionaries is the strength of revolutions." [44]

The second reading debate on the budget began on November twenty-second, when Lansdowne's amendment was moved. He justified his action on the ground that the House of Lords had an undoubted right to reject taxes, which had been acknowledged by Liberals on various occasions; that the present budget was not purely financial in character since it embodied the provisions of the Land Valuation Bills rejected by the House of Lords in 1907 and 1908 and the Licensing Bill rejected in 1908; and in addition contained many novel features which had never received the sanction of the voters.[45]

The bishop of Bristol supported Landsdowne, while the bishop of Birmingham defended the budget on the ground that it did no "more than move some way towards the equalization of the burden of taxation upon the rich and upon the poor," and provided funds for financing much needed social reforms. The archbishop of Canterbury announced that he and a majority of the bishops would refrain from

[42] *Ibid.*, II, 84.

[43] *Official Reports, Lords,* 1909, IV, 589.

[44] Fitzroy, *Memoirs,* I, 386. Lord Newton rejects the idea that Lansdowne's hands were forced by the tariff reformers, while admitting that it was they who favored rejection, and the free trade peers who opposed it. Newton, *Lord Lansdowne,* p. 376 f.

[45] *Official Reports, Lords,* 1909, IV, 731–734.

voting because they understood it was to be a party vote. The archbishop of York urged the House to reject Lansdowne's motion in support of the "permanent interests of this House and the spirit of the Constitution entrusted to its care." He and the bishops of Birmingham, Bristol and St. Asaph voted with the government. The bishop of Hereford spoke strongly in favor of the budget as a "Social Welfare Budget," but was apparently absent when the vote was taken. He and Earl Russell were the only speakers on either side who opposed the large estimates for armaments.[46]

Several Conservatives who warmly attacked the provisions of the budget, protested against its rejection by the Lords. Among these were Earl Cromer and Lord St. Aldwyn, who as Sir Michael Hicks-Beach had been chancellor of the exchequer in Mr. Balfour's cabinet. The latter, in a letter which was quoted in the House of Commons by Sir Rufus Isaacs, said:

"I may say, therefore, that the wisest Conservative leaders of the past have always held that however objectionable to the Peers any taxes might be, that objection was not a sufficient reason for their rejection . . . and that in my opinion the only ground on which a Budget, regularly passed by the House of Commons can properly be rejected by the House of Lords is on the ground of tacking. . . . I see nothing in the actual proposals of the Budget so foreign to the finance of the year as to justify its rejection on that ground. Nor do I feel that these proposals in themselves, whatever may have been said by their advocates, can properly be described as socialism or revolution." [47]

Curiously enough, Viscount Ullswater, then Sir James Lowther and the first speaker of the House on whom later devolved the duty under the Parliament Act of deciding which were and which were not money bills, has recorded his judgment that

"The celebrate Finance Bill of 1909 which was the immediate cause of the Parliament Act, would not have come under the provisions of Clause I, Sec. 2 of the Parliament Act, as a 'Money Bill,' for it contained a number of provisions which were not within the definition of that clause and section." [48]

Lord Balfour of Burleigh, who had opposed the decision to reject the budget in the private meetings of Conservative peers, spoke strongly on the subject in the House. Admitting the truth of Lord Lansdowne's

[46] *Ibid.*, pp. 767 f., 802–805, 1080 f., 1234 f.
[47] *Official Reports, Commons,* 1910, XV, 821 f., and 1268–1269.
[48] The Right Hon. James William Lowther, Viscount Ullswater. *A Speaker's Commentaries,* 2 v. (London, 1925), II, 103.

statement that the Lords had never formally abandoned their share in the parliamentary control over finance, he declared it equally true that long usage had made the House of Commons supreme in its control of the government of the day and in financial matters, and the two things could not be separated. As to the claim that the proposed action was in effect a referendum, he stated emphatically that whatever advantages there might be in a referendum, it was impossible in financial matters.

"Finance differs from all other legislation in this respect. If a Bill is rejected either by a vote of this House or by disagreement between the two Houses the *status quo* which existed before the Bill was proposed survives and remains. It is not so in finance. If you are to establish a system whereby this House or any other authority had the right to establish a referendum as it is called—a reference to the people in matters of finance—you would spoil and destroy the control of the other House of Parliament over the Government, and you would make, I venture to say, perhaps the most momentous change in the Constitution, as it has grown up, which has been made in the whole history of that Constitution. . . .

"My Lords, if you win, the victory can at most be a temporary one. If you lose you have altered and prejudiced the position, the power, the prestige and the usefulness of this House, which I believe every one of you honours and desires to serve as heartily and thoroughly as I do myself."

In conclusion, Lord Balfour voiced a warning

"to the noble Lords on this side who . . . are really walking into a trap which has been set for them by those who are not their friends. . . . You are going, if I may humbly say so to you, to offend the deeper conservative instincts of the country, and that feeling may be reflected at the polls." [49]

Other warnings were not lacking. Lord James of Hereford, a Liberal Unionist, opposed Lansdowne's resolution as absolutely unconstitutional; but cast no vote.[50] Lord Reay, a Gladstonian Liberal, speaking in favor of the Budget, urged the Lords not to "forget the lesson of history, that oligarchies are seldom destroyed and more frequently commit suicide." [51] Lord Killanen, usually a supporter of Lansdowne, opposed the motion as equivalent to enacting "a Referendum off our own bat" and bringing "the executive to a deadlock."

"The late Lord Salisbury said that this House had not the power of changing the executive Government, but by this Amendment, we are

[49] *Official Reports, Lords,* 1909, IV, 1031–1043.
[50] *Ibid.,* p. 1165.
[51] *Ibid.,* p. 1193.

going to stop all Supplies, and, necessarily, to turn out the Government by exercising a power of control which has hitherto rested solely with the House of Commons." [52]

Lord Rosebery opposed rejection not from any love for the budget, but because he thought it jeopardized the House of Lords, and because it was what the enemies of the House of Lords wanted them to do. He said in part:

"I should have liked to see the House of Lords pass this Finance Bill, not because I have a good opinion of it, but because I have such an excessively bad opinion of it. I have such confidence in its demerits, when this Finance Bill is in action, that I should wish it to be judged by its performance after six or eight months of experience, and not by its promise as it will be held out at the polls. . . . I believe that if you gave the country an experience of the budget in operation you would achieve a victory when you next approach the polls which would surprise yourselves and would give you the power of revising the finance of this country by methods more in consonance with your own principles and your own common sense." [53]

Lord Courtney of Penwith prophesied very accurately the consequences which would ensue upon the rejection of the budget. He thought Tory success at the elections very unlikely. At the best, it would give the opposition an approximate equality with the government, thus throwing the balance of power to the Irish Nationalists and the Labor party, both hostile to the House of Lords, and both anxious to raise the question of the relations between the Houses in order to curb the power of the Lords.[54] In sharp contrast with Lord Courtney's serious and measured words was the "damn-the-consequences" speech of Lord Curzon of Kedleston.

The government speakers, for the most part, confined themselves to enlarging upon the now familiar indictment of the Lords as a purely partisan assembly. Lord Lucas, Under-Secretary of State for War summarized the case thus:

"During the three Liberal Parliaments which preceded the present one, eleven Liberal Bills were killed by your Lordships' House. During the four years of this Parliament, seven Liberal Bills have been killed by your Lordships' house, or to be more accurate, will have been killed by next Tuesday night. Of those seven bills, three of them—the Education Bill, the Licensing Bill of last year, and this present Finance Bill—represent

[52] *Ibid.*, p. 1228.
[53] *Ibid.*, pp. 942–954.
[54] *Ibid.*, pp. 1264 f.

the main work of three out of our four sessions of Parliament, and were the three biggest Bills which this government has been responsible for. When you realize that in the period covered by the last four Liberal Parliaments not one single Conservative measure of any kind has been rejected by this House, you are brought face to face with the fact that there has been a frank abandonment by the House of Lords of its ancient position as a revising Chamber and that it now stands in the political arena as a competing body with the House of Commons on Party lines." [55]

On November thirtieth, the budget was rejected on second reading by a vote of 75–350. Two days later the government carried in the House of Commons by a vote of 349–134 the following resolution:

"That the action of the House of Lords in refusing to pass into law the financial provision made by this House for the service of the year is a breach of the Constitution and a usurpation of the rights of the Commons." [56]

The day following the King announced the dissolution of parliament. Sir Almeric Fitzroy reported a conversation with the King's private secretary in which the latter

"stated very gravely and emphatically that he thought the Lords mad: from which I gather that the expression of the King's regret in the speech to be delivered tomorrow is something more than a mere official tribute to the needs of the occasion." [57]

The King, in his prorogation speech, thanked the "Gentlemen of the House of Commons" for their "liberality and care" in providing for "the heavy additions to the national expenditure due to the requirements of Imperial defense and social reform," and added, "I regret that that provision has proved unavailing." [58]

The ensuing election was waged by means of press, platform and poster with an unwonted bitterness and ferocity. Sir Almeric Fitzroy records under date of February tenth:

"Discussing the elections this afternoon with a Cabinet Minister and the causes which had determined their issue, I remarked that, if we came to a critical examination of lying, the honours were fairly even. 'Yes,' he said, 'but on a display of bad manners we are easily first.' " [59]

[55] *Ibid.*, p. 1053.
[56] *Official Reports, Commons,* 1909, XIII, 546.
[57] Fitzroy, *Memoirs,* I, 389.
[58] *Official Reports, Commons,* 1909, XIII, 599.
[59] *Memoirs,* I, 395.

The results were an almost exact confirmation of Lord Courtney's prophecy: the Liberals having lost over 100 seats had 275 to the Tories' 273, with the balance held by seventy-one Irish Nationalists and forty Labor members. In the election for the Scottish representative peers, the only one of the number who had voted for the budget, Lord Torpichen, was defeated and replaced by Lord Semphill.[60] The Irish, to whom the budget was extremely distasteful, were now determined to sell their support to the government only in return for home rule; and of course the essential prerequisite for home rule was the abolition of the Lords' veto. The position seemed to have been made to order for the benefit of the Irish, and there were not wanting some among the Conservatives who thought their leaders should have foreseen and avoided such a situation.

[60] *The Oxford Review,* Jan. 28, 1910.

CHAPTER VII

The Parliament Act, 1911

"A contest between the House of Lords and the House of Commons is not an equal contest. The House of Commons, strong in its representative capacity, strong in the support of the great masses of the people and strong in the undivided and indisputable control it possesses over the resources of the country, is more than a match for its opponents in the contest."

Marquis of Hartington in speech at Chatsworth Park, August, 1884.[1]

The parliament elected in December, 1909, opened on February fifteenth and the debate on the address began on February twenty-first. Naturally, interest centered on the government's proposals in regard to the rejected budget and the House of Lords. The address stated that

"Proposals will be laid before you with all convenient speed, to define the relations between the Houses of Parliament, so as to secure the undivided authority of the House of Commons over Finance, and its predominance in Legislation. These Measures, in the opinion of My Advisors, should provide that this House [the House of Lords] should be so constituted and empowered as to exercise impartially, in regard to proposed legislation, the functions of initiation, revision, and, subject to proper safeguards, of delay." [2]

The government announced its intention of proceeding first with supply, then of presenting to the House of Commons resolutions in regard to the Lords' veto, and then taking up the budget rejected by the Lords in the previous parliament; but they declared that the budget "would not leave the House until the House had had an opportunity of expressing its opinion on the Resolutions." [3]

This program was altogether too mild to suit the Irish Nationalists and the Labor party. Mr. Redmond, speaking for the former, explained that they had supported the government in the general election only because their pledge to support home rule was supplemented by a pledge to deal with the veto of the House of Lords. "We re-

[1] Quoted in *The Liberal Platform*, 1895, pp. 209–210.
[2] *Official Reports, Commons*, 1910, XIV, 34.
[3] *Ibid.*, p. 61.

garded the abolition or limitation of the veto of the House of Lords as tantamount to the granting of Home Rule to Ireland." The Irish party understood that the government would not resume office without guarantees to enable them to deal effectively with the veto. He quoted Asquith's pledge in his Albert Hall speech:

> " 'We shall not assume office, and we shall not hold office, unless we can secure the safeguards which experience shows us to be necessary for the legislative utility and honor of the party of progress.' "

This pledge, Redmond declared, was repeated by other ministers, and was universally interpreted, both by the Irish and English press, as referring to an assurance that if necessary the prime minister "might rely on the Royal Prerogative to enable him to pass a Veto Bill through Parliament this year." [4] Asquith's statement in reply that he had neither asked for nor obtained any assurance from the King as to the exercise of the royal prerogative, and that what he meant by "safeguard" was "an Act of Parliament" was not satisfactory to the Irish. Redmond protested against proceeding with and passing the budget before any action had been taken in regard to the veto, and gave warning that the government could not count on Irish support for the budget until they had the assurance that the prime minister "had such guarantees as are necessary to enable him to pass a Veto Bill this year." [5]

The Labor party view was much the same. They made it clear that they preferred "ending" to "mending," but were willing to support the government in limiting or abolishing the Lords' veto as a step in the right direction. They urged the government to proceed at once with a veto bill, omitting the resolutions; to repass the rejected budget as a whole under a suspension of standing orders; and to postpone action on supply for the current year until the veto bill was passed.[6]

To these protests the government replied that they would not be in a position to ask for guarantees until their plan in regard to the Lords' veto had been presented to and approved by the House of Commons. There was such delay, however, in producing their plan that even Liberals threatened repeatedly to turn out the government if they did not take some action to justify their election promises. It is noteworthy in all these comments and criticisms on the government

[4] *Ibid.*, 65 f.
[5] *Ibid.*, p. 74.
[6] *Ibid.*, p. 83 f.

whether by Nationalists, Laborites or Liberals, that no interest was shown in reforming the House of Lords, but only in curbing its veto.

On February twenty-eighth, the prime minister announced the following plan of procedure: the time until March twenty-fourth was to be devoted exclusively to government financial business, including votes of supply; following an Easter adjournment from March twenty-fourth to twenty-ninth, the government would introduce veto resolutions. If they were accepted by the House of Commons, a bill embodying them would be forthwith presented to that House; but without waiting for the passage of the bill by the Commons, the veto resolutions would be presented to the House of Lords.

"If that House agrees to them, well and good; but whether it does, or whether it does not, we—I mean His Majesty's Government—regard the placing with all possible promptitude upon the Statute Book of provisions which will set free this House from the veto of the House of Lords not only as the first condition of the legislative dignity and utility of the House of Commons, but as our own primary and paramount duty. In the prosecution of that cause we shall adopt all such measures within the limits of the Constitution as seem to us proper and adequate, and upon its successful accomplishment we stake, not only our fortunes, but our existence as a government." [7]

The concluding words of this statement were regarded by Redmond as too vague, but seemed to satisfy the bulk of the government's supporters.

In the House of Lords, Lord Lansdowne had made a scathing attack on the government in the debate on the address, characterizing the proposals foreshadowed in the King's speech as "a sentence of death upon the House of Lords." [8] To postpone the execution of this sentence, the Lords proposed to amend their own constitution, without waiting for the introduction of the government's resolutions. On March 14, 1910, the earl of Rosebery moved that the House resolve itself into committee "to consider the best means of reforming its existing organization, so as to constitute a strong and efficient Second Chamber"; and in the event of the motion being agreed to, asked leave to move the following resolutions:

"1. That a strong and efficient Second Chamber is not merely an integral part of the British Constitution, but is necessary to the well-being of the State and the balance of Parliament.

[7] *Ibid.*, p. 595.
[8] *Official Reports, Lords*, 1910, V, 15–28.

"2. That such a Chamber can best be obtained by the reform and reconstitution of the House of Lords.

"3. That a necessary preliminary to such a reform and reconstitution is the acceptance of the principle that the possession of a Peerage should no longer of itself give the right to sit and vote in the House of Lords." [9]

In the debate which followed, Lord Morley commented on the change in the character of the claims made by the House of Lords in 1909 and in 1910. In 1909, the Lords laid claim to most if not all the virtues of a model legislative chamber; now they confessed their unfitness and urgent need of reform.

"You first of all commit homicide by slaying our Budget, and then proceed to commit suicide by denouncing yourselves as entirely unfit to have done the very thing that you did." [10]

Lord Oranmore and Browne protested against the resolutions as untimely. He thought a time when a state of warfare existed between the Houses was not the proper time to take off their armor for repairs nor to parade their sick and inefficient soldiers.[11]

The resolutions were carried after four nights' debate without meeting with any official opposition from the government, although Lord Crewe pointed out that Resolution 3 entailed the abolition of the royal prerogative to create peers which was the sole existing method, in the last resort, of settling disputes between the Houses.[12] Resolution 3 met with a good deal of criticism from the opposition benches and was the only one on which a division was taken; but it was carried, 175 to 17, the Liberal front bench voting with the majority, and the minority being made up of Tory Die-Hards who opposed any change in the *status quo*.[13]

Nothing further was heard of the Rosebery resolutions for the time being. The next move in the conflict between the Houses was the introduction of the government's resolutions in the House of Commons. On March 29, 1910, Asquith moved that the House con-

[9] *Ibid.*, pp. 140–141. It appears that during the general election, Conservative constituencies, especially in Scotland, had pressed the leaders of the opposition to bring in a declaration in favor of House of Lords reform. Neither Balfour nor Lansdowne was enthusiastic over the proposal; nor did they think more favorably of it when the moderates in the cabinet intimated that such action would strengthen their hands. Newton, *Lord Lansdowne*, p. 385 f.

[10] *Ibid.*, p. 171.

[11] *Ibid.*, p. 222.

[12] *Ibid.*, p. 407.

[13] *Ibid.*, pp. 491–494.

sider in committee the relations between the two Houses of parliament and the question of the duration of parliament. The following is a summary of the three resolutions which the government announced its intention of proposing:

1. To abolish by statute the Lords' veto on money bills—the speaker to decide which were and which were not money bills.
2. To restrict by statute the Lords' veto on legislation, so that bills passed in three consecutive sessions by the House of Commons should become law even if rejected by the House of Lords.
3. To limit the duration of parliament to five years.[14]

A long debate followed, the Conservative objections being based mainly upon the failure to deal concurrently with the reform of the House of Lords. The government was supported by the Irish Nationalist, the Welsh and the Scottish members, by the Laborites, and, with some exceptions, by English Liberals. In committee, the opposition attacked the first resolution on the ground that by "tacking" similar to the land valuation and liquor tax clauses of the 1909 budget, the government of the day could use money bills for purposes of general legislation. According to Lord Hugh Cecil, even the most thorough-going nationalization proposed by the Socialists could be carried out under the guise of financial legislation, and so withdrawn from the criticism and opposition of the House of Lords.[15] To this line of attack, Sir W. Robson, the attorney general, retorted that Mr. Balfour himself had referred to the principle of taxation for revenue only as obsolete; and that a tariff reform budget imposing protective duties would be open to the same charge of "tacking" that the Tories brought against the Liberal budget.[16] Opposition to the second resolution took the form of amendments to exclude from its operation "Bills affecting the Parliamentary franchise," "Bills affecting the prerogative rights and powers of the Crown," "Bills for the delegation of administrative and legislative power to subordinate parliaments within the United Kingdom," *etc., etc.*[17] The last amendment aimed, of course, at the prevention of home rule. It was repeated in various forms, but always defeated. The third resolution met with but slight opposition; and the final vote on the three resolutions was taken on

[14] *Official Reports, Commons,* 1910, XV, 1167 f.
[15] *Ibid.,* pp. 1260, 1335, 1488, *etc.*
[16] *Ibid.,* pp. 1500–1501.
[17] *Ibid.,* pp. 1252, 1303, 1318, 1469, *etc.*

April fourteenth, the government having a majority of about 100.[18]

A bill in accordance with the resolutions was brought in and read a first time on the same night. Asquith then made the following announcement of the government's intentions:

"If the Lords fail to accept our policy, or decline to consider it as it is formally presented to the House, we shall feel it our duty immediately to tender advice to the Crown as to the steps which will have to be taken if that policy is to receive statutory effect in this Parliament. What the precise terms of that advice will be (An Hon. Member: 'Ask Redmond'), I think one might expect when I am anxious, as the head of the Government, to make a serious statement of public policy—what the precise terms of that advice will be it will, of course, not be right for me to say now; but if we do not find ourselves in a position to ensure that statutory effect shall be given to that policy in this Parliament, we shall then either resign our offices or recommend the dissolution of Parliament. Let me add this, that in no case will we recommend a dissolution except under such conditions as will secure that in the new Parliament the judgment of the people as expressed at the elections will be carried into law." [19]

Blunt's *Diary* makes it plain that the concluding portion of this statement was the result of an Irish ultimatum refusing to vote for the budget without positive assurance that steps would be taken to ensure the success of the veto proposals.[20] It was on this ground—that it was a deal with the Irish—that Mr. Balfour and his friends attacked Asquith's statement.

"I am not going to dogmatize on the Constitution," Mr. Balfour declared, "and say that no circumstances can within the imagination of man arise in which it might not be the duty of the Prime Minister to go to the Sovereign, and ask for what are euphemistically called guarantees, which I believe translated into plain English means the nomination of five hundred unfit gentlemen for the honour of seats in the House of Lords. (Several Hon. Members: 'Why unfit?')

"But while I do not dogmatize as to the conditions under which it might be right for a Prime Minister in extreme circumstances to destroy the Constitution, of which he ought to be the guardian, I say quite clearly that the idea of anticipating such advice by months, by clearly announcing to the House of Commons and the country that in certain unknown, undefined contingencies he is going to suggest that which is nothing short of the destruction of the Constitution, is, I think, beyond the idea of duty, which any predecessor of the right. Hon. Gentleman has held. He has

[18] *Ibid.*, p. 1493.
[19] *Ibid.*, p. 1548.
[20] Blunt, *My Diaries*, II, 308–11.

bought the Irish vote for his Budget, and has bought it successfully. The price he has paid is the price of the dignity of his office, and of the great traditions which he, of all men, ought to uphold." [21]

The budget was reintroduced on April eighteenth and under guillotine closure passed the House of Commons on April twenty-eighth, the Irish, with the exception of the Healy faction, voting with the government.[22]

No further steps had been taken in regard to the veto proposals when the death of King Edward on May 7, 1910, led to an attempt to arrive at a settlement by agreement. The Irish Nationalists had already suspected Grey and Haldane of "trying to get out of a square fight with the Lords"; and when the Liberal leaders went into secret conference with the leaders of the opposition, Blunt recorded in his *Diary* that:

"Asquith has fooled them after all about the House of Lords, and has gone into conference with Arthur Balfour about the compromise of the quarrel." [23]

That the Irish were not the only ones who harbored suspicions is shown by the repeated questions addressed to the government in the House of Commons by Liberal and Labor members all through the summer, pressing for information about the conference, its progress, its probable date of conclusion, and whether its conclusions would be submitted to the House, and so forth.[24] There seems to have been no formal announcement of the membership of the conference, but it became known that it consisted of Asquith, Mr. Lloyd George, Mr. Birrell (Irish Secretary), and Lord Crewe for the government, and Mr. Balfour, Mr. Austen Chamberlain, and Lords Lansdowne and Cawdor for the opposition.[25] Before Parliament adjourned on Au-

[21] *Official Reports, Commons,* 1910, XV, 1550–1551. In 1832, Earl Grey had secured from the King on January fifteenth a promise in writing to create as many peers as might be necessary to carry out the Reform Bill, if and when such a contingency arose. It was the King's refusal to carry out this promise, when the cabinet, on May eighth, advised that the time for its fulfilment had come, that led to Grey's resignation. See Trevelyan, *Lord Grey of the Reform Bill.,* p. 332, where the King's letter is quoted.

[22] *Official Reports, Commons,* 1910, XVII, 530.

[23] Blunt, *op. cit.,* II, 308 and 326.

[24] *Official Reports, Commons,* 1910, XVII, 1056–1057, 1317, 1454, 1473–1474; XVIII, 26, 680; XIX, 1746, 2106.

[25] *Ibid.,* XVIII, 680. The membership of the conference is confirmed by Asquith, *Fifty Years of the British Parliament,* II, 102, but he discloses nothing as to its deliberations.

gust third. Asquith reported to the House that twelve meetings had been held in which some progress had been made, although no agreement had yet been reached; but all desired the discussions to continue. If the further meetings during the recess gave no prospect of an agreement that could be announced to parliament in the present session, the conference would be brought to a close.[26] Redmond, on this occasion, pressed for a conclusion of the conference in time to report to parliament when it met in November, but Asquith demurred to this.

Parliament reconvened in mid-November, and on November eighteenth Asquith announced to the House of Commons the breakdown of the bipartisan conference and the intention of the government to dissolve parliament before the end of the month, the budget for the current year being postponed until the new parliament met.[27] No explanation was given of the cause of the breakdown, but it was generally thought at the time that home rule was the rock on which it split. This is stated by Viscount Ullswater, then speaker of the House;[28] and "A Disgusted Conservative," writing on "Lord Lansdowne's Leadership" in the *Fortnightly,* makes it one of his grievances against his leader that no compromise was arrived at in conference, and blames this failure on home rule.

> "Concessions, of course, we were bound to make, victors and vanquished do not negotiate on equal terms. The government was in a position to require something from us, and that something was Home Rule. We lost our power to resist self-government for Ireland when we allowed the Radicals to go to the country with a down-with-the-Lords cry; and, regrettable as the mistake may have been, we should have been wise to recognize it and make the best of it. We sacrificed the Union for the luxury of flinging back the Socialistic Budget." [29]

These contemporary suspicions are confirmed by Lord Lansdowne's biographer. Quoting from the late Viscount Finlay's report of Balfour's statement to the Unionist party after the breakdown of the conference, he says,

> "'On October 16, the Conference broke off on the difficulty of Home Rule. Mr. Balfour proposed that if a Home Rule Bill was twice rejected by the House of Lords, it should go to a plebiscite. Mr. Lloyd George,

[26] *Ibid.,* XIX, 2529.
[27] *Ibid.,* XX, 82 f.
[28] Viscount Ullswater, *A Speaker's Commentaries,* II, 92.
[29] *Fortnightly Review,* 1911, XCVI, 203. The author, a peer, signs himself "Aristarchus."

while admitting the reasonableness of this, said it was impossible for the Government to assent.

"'Subsequently the Government proposed a compromise, *viz.* that a general election should intervene on the next occasion on which a Home Rule Bill, having passed the House of Commons, was rejected by the House of Lords—but only on this one occasion; and that Home Rule Bills if introduced afterwards should be treated like ordinary Bills.'" [30]

The date of the dissolution, announced on November eighteenth, was deferred for ten days in order to permit the presentation in the House of Lords of the government's bill and of Lord Lansdowne's alternative proposals for the reform of the Upper Chamber. The object of both government and opposition was to put their proposals before the electorate as a bid for support in the coming election. Perhaps the reader will not take it amiss if the rival proposals are placed before him in similar fashion. The Parliament Bill, which had progressed no farther than first reading in the House of Commons in the previous April, was introduced in the House of Lords by Lord Crewe on November sixteenth. The second reading began on November twenty-first, but was adjourned to the twenty-third when Lord Lansdowne introduced his alternative proposals and announced his opposition to giving a second reading to the Parliament Bill since the dissolution announced for November twenty-eighth would prevent going on to the committee stage.[31]

The preamble of the Parliament Bill stated that "it is intended to substitute for the House of Lords as it at present exists a Second Chamber constituted on a popular instead of a hereditary basis," but the fulfilment of such intention was postponed and the actual provisions of the bill dealt only with the restriction of the Lords' powers and the duration of parliament. These provisions were as follows:

"1. (1). If a Money Bill, having been passed by the House of Commons, and sent up to the House of Lords at least one month before the end of the session, is not passed by the House of Lords without amendment within one month after it is so sent up to that House, the Bill shall, unless the House of Commons direct to the contrary, be presented to His Majesty and become an Act of Parliament on the Royal Assent being

[30] Newton, *Lord Lansdowne,* p. 403. See also Lansdowne's *Memorandum,* pp. 397–400.

[31] *Official Reports, Lords,* 1910, VI, 706, 777. Lord Lansdowne had insisted on the presentation of the Parliament Bill in the House of Lords as a preliminary to dissolution. The government seems to have been reluctant and their consent was secured by the influence of King George, as he told Lansdowne in a conversation on January 27, 1911. Newton, *Lord Lansdowne,* pp. 404 and 410.

signified, notwithstanding that the House of Lords have not consented to the Bill.

"(2). A Money Bill means a Bill which in the opinion of the Speaker of the House of Commons contains only provisions dealing with all or any of the following subjects, namely, the imposition, repeal, remission, alteration, or regulation of taxation; charges on the Consolidated Fund or the provision of money by Parliament; supply; the appropriation, control, or regulation of public money; the raising or guarantee of any loan or the repayment thereof; or matters incidental to those subjects or any of them.

"(3). When a Bill to which the House of Lords has not consented is presented to His Majesty for assent as a Money Bill, the Bill shall be accompanied by a certificate of the Speaker of the House of Commons that it is a Money Bill.

"(4). No amendment shall be allowed to a Money Bill which, in the opinion of the Speaker of the House of Commons, is such as to prevent the Bill retaining the character of a Money Bill.

"2. (1). If any Bill other than a Money Bill is passed by the House of Commons in three successive sessions (whether of the same Parliament or not), and, having been sent up to the House of Lords at least one month before the end of the session, is rejected by the House of Lords in each of these sessions, that Bill shall, on its rejection for the third time by the House of Lords, unless the House of Commons direct to the contrary, be presented to His Majesty and become an Act of Parliament on the Royal Assent being signified thereto, notwithstanding that the House of Lords has not consented to the Bill: Provided that this provision shall not take effect unless two years have elapsed between the date of the first introduction of the Bill in the House of Commons and the date on which it passes the House of Commons for the third time.

"(2). A Bill shall be deemed to be rejected by the House of Lords if it is not passed by the House of Lords either without amendment or with such amendments only as may be agreed to by both Houses.

"(3). A Bill shall be deemed to be the same Bill as a former Bill sent up to the House of Lords in the preceding session if, when it is sent up to the House of Lords, it is identical with the former Bill or contains only such alterations as are certified by the Speaker of the House of Commons to be necessary owing to the time that has elapsed since the date of the former Bill, or to represent amendments which have been made by the House of Lords in the former Bill in the preceding session.

"Provided that the House of Commons may, if they think fit, on the passage of such a Bill through the House in the second or third session, suggest any further amendments without inserting the amendments in the Bill, and any such suggested amendments shall be considered by the House of Lords, and if agreed to by that House, shall be treated as amendments made by the House of Lords and agreed to by the House of Commons; but the exercise of this power by the House of Commons shall not affect the operation of this section in the event of the Bill being rejected by the House of Lords.

"3. Any certificate of the Speaker of the House of Commons given under this Act shall be conclusive for all purposes, and shall not be questioned in any court of law.

"4. Nothing in this Act shall diminish or qualify the existing rights and privileges of the House of Commons.

"5. Five years shall be substituted for seven years as the time fixed for the maximum duration of parliament under the Septennial Act, 1715.

"6. This act may be cited as the Parliament Act, 1910." [32]

While the Parliament Bill dealt only with the settlement of differences between the Houses by means of a strict limitation of the Lords' power of veto, the Lansdowne resolutions, approved by the House of Lords and communicated to the House of Commons on November twenty-fifth, dealt both with reform of the Lords and the regulation of relations between the Houses. On the question of reform, the Lords adopted the terms of the Rosebery resolutions of the previous year [33] with the addition of a fourth to the following effect,

"4. That in future the House of Lords shall consist of Lords of Parliament—

A. Chosen by the whole body of hereditary peers from among themselves and by nomination of the Crown.

B. Sitting by virtue of offices and of qualifications held by them.

C. Chosen from outside."

There was no attempt made to determine the proportions of these various ingredients, or the method of electing those chosen from outside. On the question of the relations between the Houses, the Lords' resolutions were as follows:

"That, in the opinion of this House, it is desirable that provision should be made for settling differences which may arise between the House of Commons and this House, reconstituted and reduced in numbers in accordance with the recent Resolutions of this House.

"That, as to Bills other than Money Bills, such provision should be upon the following lines—

"If a difference arises between the Two Houses with regard to any Bill other than a Money Bill in two successive Sessions, and with an interval of not less than one year, and such difference cannot be adjusted by any other means, it shall be settled in a Joint Sitting composed of Members of the Two Houses.

"Provided that if the difference relates to a matter which is of great gravity, and has not been adequately submitted for the judgment of the

[32] Bills, Public (4), 1910.

[33] Cited above, pp. 190–191.

people, it shall not be referred to the Joint Sitting, but shall be submitted for decision to the electors by Referendum.

"That, as to Money Bills, such provision should be upon the following lines—

"The Lords are prepared to forego their constitutional right to reject Money Bills which are purely financial in character;

"Provided that, if any question arises as to whether a Bill or any provisions thereof are purely financial in character, that question be referred to a Joint Committee of both Houses, with the Speaker of the House of Commons as Chairman, who shall have a casting vote only;

"If the Committee hold that the Bill or provisions in question are not purely financial in character, they shall be dealt with forthwith in a Joint Sitting of the Two Houses." [34]

Such were the alternative plans for settling the controversy put before the electors. Even among those who cordially disapproved of the Parliament Bill, there were some who felt the Tories had only themselves to blame for its production. This is the view of a writer in the *Round Table,* who traces the crisis to the action of the peers in allowing themselves to become "a Unionist caucus out of touch and out of sympathy with the life of the nation." [35] A Conservative editor berated his party even more soundly but placed the greater blame, not on the peers, but on the Conservative leaders in the House of Commons "who induced Lord Lansdowne to advise the House of Lords to reject the Education and Licensing Bills of the present Government, and finally the Budget."

"Had there been a stateman in the House of Lords," he continues, "with the courage and clearness of judgment and the influence to lead the peers into acceptance of those measures, there would have been no deadlock today and no Parliament Bill. Time alone can answer the question whether Mr. Balfour and those by whom he is surrounded were right or wrong in using the House of Lords as a weapon of party warfare. . . . The difficulty has arisen owing to that want of imagination which is the incorrigible defect of the Tory mind. The Tories cannot put themselves in their adversary's place; they cannot see that in using a weapon of which they have the exclusive use to rob their enemy of the fruits of victory, they are not 'playing the game'; and, in the eyes of the ordinary Briton, there can be no greater crime."

The same editor was no better pleased with the wisdom of the opposition Lords in presenting an alternative scheme of reform.

[34] *Official Reports, Commons,* 1910, XX, 457–458.
[35] *Round Table,* I, 164.

"It was a maxim perfectly understood," he declares, "and constantly practised by Gladstone and Disraeli, that an Opposition should never prescribe until it is called in by the nation." [36]

Nor was the "Disgusted Conservative," quoted above, pleased with the Lords' proposals for the reconstitution of their House.

"Having jeopardized the whole future of our party by the defense of the House of Lords, the Unionist leaders last autumn came to the conclusion that the House was no longer worth defending. Their answer to the Radical resolution was a project more revolutionary still. The Ministry proposed to curb the House of Lords; Lord Lansdowne's reply was a scheme to destroy it." [37]

Mr. Garvin who in his editorials in the *Observer* had been urging the Tories to throw over the hereditary principle, expressed strong approval of Lansdowne's plan of reform. Predicting Unionist gains in the election which would prevent the Liberals from forcing their Parliament Bill on the country, he evidently thought that Lansdowne's proposals might form the basis of a settlement by consent.[38] Mr. Walter Sichel, like the Tories of '32, was less alarmed by the Parliament Bill itself than by the prospect of the legislation it would make possible. Among the measures which he dreaded, universal suffrage seemed the most alarming. His dictum, like the title of his article, recalls the days of Pitt's repressive measures against English Jacobinism:

"Universal suffrage must be withstood at all costs and by every possible procedure. It means death and damnation, rebellion or extinction. . . . It will ring the death-knell to character, prosperity, and Great Britain. Servitude and hypocrisy could no further go." [39]

One wonders how a party, some of whose members held such "high Tory" views as that just cited, could have recommended the adoption of so radical a device as the referendum. Mr. Sidney Low noted that in this respect, the proposals put before the country by the Tories were more democratic than those of the Liberals, the effect of whose bill would be to increase the powers of the cabinet oligarchy. He

[36] Arthur A. Baumann. "The Deadlock and Its Remedies," in the *Fortnightly Review,* 1911, XCVI, 6 and 7.
[37] *Fortnightly,* n. s., 1911, XC, 206.
[38] "The Crisis and the Nation," *Fortnightly,* n. s., LXXXVIII, 939 f.
[39] "Our Jacobins," *Fortnightly,* n. s., XC, 418 f.

pointed out that the referendum, once embodied in the constitution, could not be limited to tariff reform and home rule, but would be used

"to promote that redistribution of property and that wider diffusion of material enjoyment which democracy really has at heart. . . . By those who think, as I do, that this is a very necessary and desirable object of political effort, the proposal can be regarded with approval. . . . But there are, I dare say, still a considerable number of persons in the Conservative party who would find the prospect distasteful."

He thought it not unnatural, therefore, that some critics, both Liberal and Conservative, should consider the Tories' "leap into democracy" as "merely an electioneering dodge." In conclusion, Mr. Low noted that "The general election [of December, 1910] was the most apathetic within living memory." [40]

The views of the Quarterly changed as the crisis developed. In January, 1910, an article called "The Appeal to the Nation" expressed only hearty approval of the Lords' action in rejecting the budget.[41] The next issue contained an article called "Revolution or Reform" which questioned whether "The stability of property and the safety of the Constitution" might not "have been better consulted by the passage rather than the rejection of the Budget last December." Regrets were expressed for the "violent disturbance of the very foundations of the Constitution" resulting from the Lords' action, whereas if the budget had been passed "the constitutional issues would have been avoided or at least postponed for some years." While still maintaining the right of the Lords to reject the budget, the author thought it "a right they would have been more judicious not to exercise." [42] By 1911, in "The Duty of the Lords," they were taken to task for their action on the budget, which was blamed primarily on the tariff reformers. Admitting that "no one now pretends that its actual provisions, apart from the speeches by which it was recommended, have affected the prosperity of the country"; and that even in 1909 "it was clear that the hostility to it was only partly genuine," it continued:

"But for the indirect effect on the fortunes of Tariff Reform hoped for from its rejection, there is little doubt that the Budget would have been allowed to pass in peace."

[40] "The End of the Old Constitution," *Fortnightly*, n. s., LXXXIX, 114 f., January, 1911.
[41] *Quarterly Review*, 1910, CCXII, 281 f.
[42] *Ibid.*, 586 f.

To the Lords' action on the budget was traced the loss of prestige suffered by the aristocracy in the election of January, 1910.

"In 1909 they [the Lords] seemed to be entering on a revolution—not because the majority of them were really driven to it by fear of national ruin, but because they had allowed themselves to be made the tools of a clique of reckless and impatient enthusiasts. Such conduct was plausibly represented as the merest political trickery. . . . The suggestion that the Lords were straining their constitutional powers in order to protect their pockets was damaging enough. When to that was added the suspicion, and more than the suspicion, that a large number of them were moved by political motives of the narrowest party character, it is wonderful that the Ministerial victory was not more complete than it actually turned out to be." [43]

These and other articles in the same journal are noteworthy for their admission that the real grievance against the House of Lords was its partisanship. Both Houses, in the opinion of one author, needed reform. The Lower House might be reformed by proportional representation, which would reduce party majorities and strengthen the independent elements against the growing absolutism of the cabinet. No second chamber reform would be satisfactory which did not give parties a more equal chance than in the House of Lords.[44] A subsequent article on "Conservatism" admitted that the House of Lords was "no defense at all against the sporadic Radicalism of the Unionists" and should therefore be reformed "so as to make it equally vigilant to check rash legislation, by whichever party it be proposed." [45] Still another article on "Two Chambers or One" cited the opinions of Mr. Sidney Low and President Lowell on the cabinet's encroachments upon the House of Commons as proof of the need for a second chamber; and then quoted with agreement Lowell's comment on the partisan action of the Lords.[46] One looks in vain for such admissions from

[43] *Quarterly Review,* 1911, CCXV, 289 f.
[44] *Quarterly Review,* 1910, CCXII, 586 f.
[45] *Quarterly Review,* 1910, CCXIII, 516 f.
[46] *Ibid.,* p. 234 f. In the passages cited, President Lowell says: "The House of Lords without ceasing to have an opinion of its own on other matters, has become for party purposes an instrument in the hands of Tory leaders, who use it as a bishop or knight of their own colour on the chess-board of party politics. . . . A power to provoke a referendum or appeal to the people, which is always used in favor of one party against the other, however popular it may be at a given moment, and however much it may be permanently satisfactory to the party that it helps, cannot fail in the long run to be exceedingly annoying to its rivals, nor is it likely to commend itself to the great mass of thinking men as a

Conservative pens in the many articles written on the House of Lords in the eighties and nineties.

Before the dissolution on November twenty-eighth, the cabinet had addressed the following statement to King George:

"His Majesty's Ministers cannot take the responsibility of advising a Dissolution unless they may understand that, in the event of the policy of the Government being approved by an adequate majority in the new House of Commons, his Majesty will be ready to exercise his constitutional powers, which may involve the prerogative of creating Peers, if needed, to secure that effect shall be given to the decision of the Country. His Majesty's Ministers are fully alive to the importance of keeping the name of the King out of the sphere of Party or Electoral controversy. They take upon themselves, as is their duty, the entire and exclusive responsibility for the policy which they would place before the Electorate. His Majesty will doubtless agree that it would be unadvisable in the interests of the State that any communication of the intentions of the Crown should be made public unless and until the actual occasion should arise." [47]

The King, following the receipt of this advice from the cabinet, came to London, and after consultation with Asquith and Lord Crewe told the former that "he felt that he had no alternative but to assent to the advice of the Cabinet." [48] It was the securing of this contingent promise from the King before the election which was bitterly attacked by the opposition when it became known in the following July. But as the Tories were not in a position, either before or after the election, to form an alternative government, which after all is the crux of the matter, the fact that the promise was asked and given a few months before it was absolutely necessary, hardly seems to warrant an attack upon the conduct of the Liberal ministers.[49]

The results of the elections almost exactly duplicated those of a year before. Liberals and Unionists were equally matched, while the Irish had eighty-four and the Labor party forty-two members. According to Asquith,

"Leaving the Irish on both sides out of the reckoning, they [the government] had a majority in Great Britain of not less than sixty." [50]

just and statesmanlike institution." *Government of England,* 2 v., new edition, (New York, 1924), I, 409 & 411.

[47] Asquith: *Fifty Years of the British Parliament,* II, 103.

[48] *Ibid.,* p. 104.

[49] Lord Lansdowne admitted in his conversation with the King on January 27, 1911, that Balfour could not form a government and that a new election was unlikely to alter the situation. Newton, *op. cit.,* p. 410.

[50] Asquith, *op. cit.,* 107.

But that meant, of course, a coalition majority in which their Labor and Irish allies could prevent any compromise with the Lords even if the Liberal rank and file would have agreed to it. The new parliament met January 31, 1911, but it was not until February 21 that the Parliament Bill was introduced. The first reading was carried the following day, but it was March second before the committee stage was reached.[51] In committee, much criticism was devoted to the failure to include any provision in regard to the reconstruction of the House of Lords, referred to in the preamble. The opponents of the measure and some Liberals, as well, professed to believe the two steps, reform of the Lords and regulation of the relations between the two Houses, inseparable, and obviously hoped that by modifying the hereditary character of the Upper House they might secure better terms in regard to its powers. Any sympathy which conservative-minded Liberals felt for this view was effectively checked by the left wing of the party, supported by the Irish and the Laborites.

On Clause I, which abolished the Lords' veto on money bills and confided to the speaker of the House of Commons the decision as to which were and which were not money bills within the meaning of the bill, the old arguments as to the possibility of nationalization of land and industry by means of money bills were rehearsed. To obviate this danger, attempts were made to modify the definition of money bills; to exclude certain measures from the category of money bills; or to substitute a joint committee for the speaker in deciding upon the classification of bills. The arguments advanced and the amendments proposed were similar to those brought out by the government's resolutions of the previous year. To all these assaults upon Clause I the government presented a united and successful opposition. Their view was that the power committed to the speaker was not a new one, but one which he had long exercised with complete satisfaction to every one concerned. The fact that his decision would now be a final one did not, in their opinion, alter the situation materially. To substitute a joint committee would be to introduce partisanship, of which the speaker's decisions had been admittedly guiltless, and to diminish the existing rights of the Commons.[52]

[51] *Official Reports, Commons,* 1911, XXI, 1742; XXII, 682.

[52] Speaker Lowther had some misgivings as to the rôle being committed to him and welcomed the suggestion of Asquith to appoint two members of the House to assist him in his decisions. This suggestion was embodied in an amendment in the final stages. After experience of the act in operation, he recorded that

On Clause II, limiting the power of the Lords on bills other than money bills to a suspensory veto of two years' duration, the opposition concentrated its efforts on the attempt to exclude from its operation certain bills or classes of bills. Twenty-three proposals were put on the Order Paper to make exemptions from the general operation of Clause II. These dealt principally with home rule, disestablishment, manhood suffrage, or changes in the constitution and powers of the House of Lords.[53] None of these amendments was carried.

The Labor party contented itself with trying to eliminate the first two paragraphs of the preamble, promising a reform of the House of Lords. This of course failed.[54]

After thirteen days in committee, the bill was reported to the House on May third, and on May eighth Asquith brought in a time-table for the further stages, setting May ninth or tenth for the conclusion of the report stage, and May fifteenth for the conclusion of the debate on third reading. Balfour took occasion to criticize the government for restricting debate in committee, to which Mr. Herbert Samuel replied that the amendments put down for the bill amounted to over ninety pages on the Order Paper of the House, and yet these had been gone through without resort to the guillotine (closure by compartments), and kangaroo closure (selection of amendments to be proposed by the Chairman), had been used only three or four times to rule out trivial and obstructive amendments.[55] Many of the amendments moved and rejected in committee were renewed on report stage, but without success; and the bill passed the House of Commons without substantial amendment on May fifteenth by a vote of 362–241.[56]

Between the introduction of the Parliament Bill in the House of Commons and its arrival in the House of Lords, that House intro-

"although I had frequently occasion to consult these gentlemen, no difficulty ever occurred in the matter, for the clause was so carefully and elaborately drafted that I never had much doubt as to the category in which the Bills, which I had to consider, fell." *A Speaker's Commentaries,* II, 103. In the debate on the Parliament Bill, Lord Hugh Cecil moved an amendment to exclude from the category of money bills any measure providing for the payment of members of the House of Commons. *Official Reports, Commons,* 1911, XXIV, 674. Such a measure was embodied in the budget of 1911 which Speaker Lowther ruled was not a money bill within the meaning of the Act. *Official Reports, Commons,* 1911, XXXII, 2707.

[53] *Official Reports, Commons,* 1911, XXIV, 1053, 1075, 1180, 1372, 1469, 1501, 1507, 1519, 1809, *etc.*

[54] *Official Reports, Commons,* 1911, XXV, 446.

[55] *Ibid.,* pp. 885–886.

[56] *Ibid.,* p. 1782.

duced two measures of its own aiming at a solution of the controversy. On March 2, Lord Balfour of Burleigh introduced his Reference to the People Bill, providing that any bill passed by the House of Commons and rejected by the House of Lords, or amended in a way not acceptable to the House of Commons, might, on the demand of either House, be submitted to a poll of the electors. To secure fair treatment to the Liberals, Lord Balfour suggested that a minority of 150–200 in the House of Commons might secure the reference to the people of bills passed by both Houses. The measure was not restricted in any way and, as Lord Crewe pointed out, might apply to finance bills. The marquess of Lansdowne expressed approval of the measure in principle, but urged that it should not be proceeded with until the government proposals and the Reconstitution Bill were before the House. A day was given to the second reading debate, but no division was taken and the measure was dropped. A good deal of opposition was voiced on the Tory side of the House, even by Irish lords.[57]

The second attempt by the Lords to set their own House in order took the form of the House of Lords Reconstitution Bill, introduced by Lord Lansdowne on May eighth. As it proposed to limit the prerogative of the Crown relating to the creation of peerages and the issue of writs of summons, royal consent was necessary for its introduction. This was given on the advice of the cabinet.[58] The bill was characterized by Lord Lansdowne as a complement to, rather than a substitute for the Parliament Bill. The latter—in spite of its preamble—dealt only with the relations between the Houses. The former proposed to remodel the constitution of the Upper House. The numbers in the House were to be reduced to approximately 350 Lords of Parliament to be chosen as follows:

1. One hundred were to be chosen for a twelve-year term by their fellow peers but must possess some qualification in addition to the possession of a peerage. One-quarter of these should retire triennially, but were to be eligible for reëlection. The royal prerogative was to be limited to the creation of five hereditary peerages in any one year, with exceptions in favor of ministers and ex-ministers.

2. One hundred and twenty Lords of Parliament were to be chosen by electoral colleges composed of members of the House of Commons representing constituencies within the electoral districts. Each district should return three to twelve Lords of Parliament, chosen by a system of proportional representation.

[57] *Official Reports, Lords,* 1911, VII, 262 f.
[58] Asquith, *op. cit.,* II, 108.

3. One hundred Peers were to be appointed by the Crown on the recommendation of the prime minister either from the present membership of the House of Commons, or from outside. They were to be chosen in proportion to the strength of parties in the House of Commons at the time, in the manner in which select committees are chosen.

In groups 2 and 3, as in group 1, the term was to be twelve years, one-fourth retiring triennially. The remainder of the number comprised royal peers and law lords, as at present; while the lords spiritual were to be represented by the two archbishops and five bishops chosen by the whole episcopal body. Peers not chosen as Lords of Parliament were to be eligible to seats in the House of Commons.[59]

The bill did not meet with a very hearty reception from Lord Lansdowne's followers. Many peers thought it a tactical mistake to make any confession of imperfection at that time. Tory Die-Hards, like Lord Willoughby de Broke, refused to acknowledge the need for any reform; while many "backwoodsmen," who saw little chance of election to the newly constituted House, were loath to give up the powers and privileges which were left to them even under the Parliament Bill. Lord Newton referred to the reception given his "milk and watery measure" four years ago, when he was treated "as a person unfit for human intercourse," and thought such a measure as this would have come with better grace several years earlier. Nevertheless, he promised his support. Lord Rosebery, also, promised a rather grudging support, though he professed to think it would not matter much to anybody what the composition of the House of Lords was if the Parliament Bill became law. The Reconstitution Bill was read a second time on May twenty-second without division, but was never heard of again.[60]

The Parliament Bill reached the House of Lords on May sixteenth and passed second reading without division on May twenty-ninth. But as soon as it reached committee, the Lords began remodeling it by amendments similiar to those moved and rejected in the House of Commons. A joint committee was again substituted for the speaker to decide on money bills; the definition of money bills was modified; and a definition of tacking was inserted which the government claimed included measures which by previous custom were always considered

[59] *Official Reports, Lords,* 1911, VIII, 215 f.
[60] *Ibid.,* pp. 215 f., 369 f., 519 f.

financial and therefore "privileged." With these amendments, Clause I passed without division on June twenty-ninth.[61]

Discussion of Clause II resulted in a new crop of amendments to secure exemptions from its operation, or to delay the date of its taking effect in order that home rule, disestablishment, and other dreaded measures might not be dealt with by the existing parliament.[62] On July fourth Lord Lansdowne embodied the earlier efforts to draw the teeth of Clause II in the following comprehensive amendment:

"1. Provided further that any Bill—
   a. which affects the existence of the Crown or the Protestant succession thereto; or
   b. which establishes a National Parliament or Assembly or National Council in Ireland, Scotland, Wales, or England, with legislative powers therein; or
   c. which has been referred to the Joint Committee, and which in their opinion raises an issue of great gravity upon which the judgment of the country has not been sufficiently ascertained shall not be presented to his Majesty nor receive the Royal Assent under the provisions of this section unless and until it has been submitted to and approved by the electors in manner to be hereafter provided by Act of Parliament.

"2. Any question whether a Bill comes within the meaning of paragraphs (a) (b) of subsection (1) of this section shall be decided by the Joint Committee." [63]

This amendment gave rise to what was practically a second reading debate on Irish home rule. Most of the speakers agreed in attributing the policy embodied in the Parliament Bill to pressure from the Irish Nationalists whose sole interest was home rule. The only Irish peer who spoke in favor of home rule was Lord MacDonnell of Swinford. The Lansdowne amendment was carried on the second night's debate by a vote of 253–46.[64]

On report stage, Lord Courtney of Penwith, cross-bench Liberal, led off with a conciliatory speech urging a restoration of Clause I (Money Bills) to its original form as a concession to the House of Commons, and pointing out that in reality it contained only what had been the usual practice before 1909. As to Clause II, he urged the government to concede the referendum and joint committee for a

[61] *Ibid.*, 1090, 1117, 1135, 1164, 1175.
[62] *Ibid.*, VIII, 1183, 1198; IX, 12, 42, 48, 70.
[63] *Ibid.*, IX, 100.
[64] *Ibid.*, p. 276.

limited number of cases.[65] Subsequently he moved an amendment to reinstate the speaker, in place of the joint committee in Clause I, subsection 2, but it was rejected.[66] Debate on third reading began on July twentieth and lasted four days. Lord Morley claimed that the bill was so altered by amendments as to be no longer the government's bill, but urged its passage, nevertheless. Lord Lansdowne protested against Morley's statement, stressed the *mild* character of amendments, and criticized the uncompromising and unconciliatory attitude of the government. The archbishop of Canterbury made a conciliatory speech urging moderation on both sides, but rather supported the reasonableness of the amendments. The earl of Halsbury, the aged ex-Lord Chancellor whom the Tory Die-Hards had selected as their leader, pronounced the bill

"a bad Bill in every sense. It possesses every vice that a Bill could possess. It is unjust and oppressive. It is tainted with Party spirit—I had almost said Party spite . . . if an attempt is made to force this Bill through without the safeguards that my noble friend behind me has provided against injustice and tyranny—I should regard myself as a coward and unfit for the position I hold if I submitted to it without challenging a Division. I should certainly vote against the Bill—as a duty, and a solemn duty, to God and to my country." [67]

The earl of Dunraven, an independent Liberal who favored home rule, saw no reason why the government could not accept Lansdowne's amendment, pointing out that Nationalists had always claimed that the Lords' veto was the obstacle to home rule, and even under the amendment, the veto would be abolished, and so Nationalists would be satisfied. Moreover, by submitting home rule to a vote of the people, who, he felt sure, would give a favorable verdict, the bitter opponents of the measure would be forced to acquiesce, as even men like Lords Lansdowne, Londonderry, and Mayo had all stated that they would acquiesce in home rule if it was passed by popular vote.[68]

The bill was read a third time and passed—with all the damaging amendments—on July twenty-fourth, although it was already known by the opposition leaders that the King had consented to the creation of peers to carry the measure in the form in which it left the House of Commons. On July twentieth the King had given his assent to the

[65] *Ibid.*, p. 442.
[66] *Ibid.*, pp. 455, 458.
[67] *Ibid.*, p. 596.
[68] *Ibid.*, p. 609.

cabinet minute asking for the creation of peers if necessary to carry the bill in its original form. Asquith wrote on the same day to Mr. Balfour:

"10 Downing Street
"July 20, 1911

"Dear Mr. Balfour,

"I think it is courteous and right, before any public decisions are announced, to let you know how we regard the political situation.

"When the Parliament Bill in the form which it has now assumed returns to the House of Commons, we shall be compelled to ask that House to disagree with the Lords' amendments.

"In the circumstances, should the necessity arise, the government will advise the King to exercise his prerogative to secure the passing into law of the Bill in substantially the same form in which it left the House of Commons, and his Majesty has been pleased to signify that he will consider it his duty to accept, and act on, that advice.

"Yours sincerely,
"H. H. Asquith." [69]

This letter was made known to the Unionist leaders the following day, and on July twenty-fourth the King gave audience to Lord Lansdowne and Mr. Balfour, as well as to Asquith. The same day, Lord Lansdowne sent a letter to the Unionist peers, apprising them that as in 1832 it was a case of the bill with peers or the bill without peers, but the bill in any case, and urging abstention from further opposition. Mr. Balfour entirely concurred in Lord Lansdowne's advice, much to the disgust of Die-Hard friends like Mr. George Wyndham.[70] Lord Curzon, who had acted with the Die-Hards up to this point, now joined Lansdowne in urging surrender. He made his views known in a letter to the *Times* on the July twenty-fourth, and a committee met at his house daily to concert action in support of his views.[71]

On the same day, when Asquith tried to make a statement in the House of Commons as to the advice tendered the Crown, he was howled down by Tory Die-Hards in a fashion unequaled in the worst days of Irish obstruction. Lord Hugh Cecil interrupted so frequently and violently that Mr. Crooks declared that "Many a man has been

[69] Asquith, *op. cit.*, II, 110, 111.

[70] Asquith, *op. cit.*, II, 112. Wyndham complained to Blunt of Balfour's lack of courageous leadership. "He takes too scientific a view of politics," said Wyndham. "He knows that there was once an ice age, and that there will some day be an ice age again. This makes him indifferent." Blunt, *My Diaries*, II, 353.

[71] Earl of Ronaldshay. *Life of Lord Curzon*, III, 56. His action earned him much unpopularity with the Die-Hards.

certified as insane for less than half of what the noble Lord has done this afternoon"; and it is noticeable that after Mr. Crooks' remark the interruptions came largely from other quarters.[72] When the prime minister concluded his necessarily fragmentary statement, Mr. Balfour spoke, meeting with practically no interruption. When he criticized the prime minister for the inadequacy of his explanation, the latter protested:

"I was going, had I been permitted the courtesy never before refused the Leader of this House, to give a detailed statement and reasoned argument as to the grounds of the advice which his Majesty's Government have tendered to the Sovereign. (Hon. Members: 'When?') I decline absolutely to answer any questions now. I was not allowed to do so. I was prevented by the right hon. Gentleman's Friends from doing so, and he has had the advantage of a courtesy which has been denied me."

To which Mr. Balfour replied:

"I admit that that is the fact. I admit that the hon. Gentlemen have listened to me with great courtesy. . . ." [73]

After Mr. Balfour's speech, Sir Edward Grey moved adjournment, and in doing so took occasion to make a scathing criticism of the action of the opposition. Mr. F. E. Smith (now Lord Birkenhead) rose to speak in reply, but after continued interruption for five minutes, the speaker adjourned the House under Standing Order 21, which in case of grave disorder permits the speaker to adjourn the House without question put.[74] Asquith has added to his record of this occurrence:

"It is only fair to record that some of the most conspicuous of the participants in this deplorable scene subsequently expressed to me their profound regret." [75]

On August seventh, Mr. Balfour moved a vote of censure against the government for its advice to the King in regard to the creation of peers. He characterized the action of the prime minister as unprecedented and unjustifiable; but in his references to the similar events of 1832, proved himself either unfamiliar with the facts or guilty of wilful distortion. Altogether the speech lacked force and

[72] *Official Reports, Commons,* 1911, XXVIII, 1470.
[73] *Ibid.,* p. 1478.
[74] *Ibid.,* p. 1482–1483.
[75] Asquith, *op. cit.,* II, 112.

conviction. Asquith, in his reply, pointed out that the chief analogy between 1832 and 1911 was that no alternative government was possible.[76] This was supported by a leader from the *Times* read by Sir Alfred Mond:

"'Does it mean that Lord Lansdowne is bound in honour and common sense to vote for his Amendments to the end? The answer is 'No.' It could only be 'Yes' if the Constitutional party believed that here and now they could challenge an appeal to the country on that question with some chance of success. They do not believe it. There is not a single man amongst them who holds that Mr. Balfour, if called upon to form a government, could do so with any reasonable prospect of adequate support at the polls.'" [77]

In concluding for the government, Mr. Churchill quoted from a letter to the *Times* written by Sir William Anson, a Unionist and senior member for Oxford University, in which he wrote:

"'And in all this talk of the ignominy of surrender what has become of the doctrine that the House of Lords has never failed to acquiesce in the decision of the electorate clearly expressed. We may say that the last general election was a snap vote, taken before the people had time to understand the issue; but I doubt if there are many Unionists who think that a general election of this month or next would appreciably alter the position of the House of Commons, and if we believe that the electors would now return a majority in favor of the Bill the Lords will only follow the course adopted by the Duke of Wellington, by Lord Cairns, and by Lord Salisbury, if they accept, however reluctantly, the verdict of the nation as it is now represented.'" [78]

The vote of censure in the House of Commons was negatived, 246–365.[79]

A similar vote of censure was moved in the House of Lords on the following day by Lord Curzon.[80] In answering for the government, Lord Crewe cited as precedents not only the creations of 1711, the threatened creations of 1832, and the defeat of the Peerage Bill of 1719 which would have prevented such creations by limiting the royal prerogative; but recalled also the creations for party purposes of Lord North and Pitt from 1770 on which had doubled the numbers in the House of Lords, and the creations made to carry the Union with Ireland.

[76] *Official Reports, Commons,* 1911, XXIX, 795, 816.
[77] *Ibid.,* p. 880.
[78] *Ibid.,* p. 911.
[79] *Ibid.,* p. 918.
[80] *Official Reports, Lords,* 1911, IX, 815.

"The creations of the Irish Union are often spoken of, and not always favourably spoken of, but they are generally spoken of as though they had no effect but to carry the Bill for the Irish Union through the Irish Parliament. But what is sometimes apt to be forgotten, and it is not by any means irrelevant with regard to the present issue, is that not only at that time were a number of English Peerages given to Irish Peers for purely Irish services, but in addition to that twenty-eight Irish Representative Peers were nominated by the government of the day for services connected with the Union, and therefore amounted to a special creation for the purpose of giving Mr. Pitt a majority in the British House of Parliament." [81]

In his references to the events of 1832, Lord Crewe's statements bear a much closer resemblance to the sources than those of his Tory opponents. As to the charge that the Parliament Bill was unprecedented because it might bring home rule or disestablishment in its train, Lord Crewe pointed out that, aside from the borough owners, the real Conservative opposition to the first Reform Bill was based on a similar objection to the legislation that a reformed House of Commons would make possible.[82] As to the claim of the opposition that the Lords' amendments left the principle of the Parliament Bill intact, Lord Crewe stated categorically that as between leading the House as then constituted and leading it under the conditions created by the Lords' amendments, he infinitely preferred the former.[83] The vote of censure in the Lords was carried against the government by a vote of 281–68.[84]

On the same day, the House of Commons rejected the principal amendments of the Lords, accepting only two or three minor modifications. On the following day the bill returned to the Lords, where the determined attitude of the Die-Hards, defying the advice of their official leaders, kept the issue in suspense.[85] The final vote was taken

[81] *Ibid.*, p. 834.
[82] *Ibid.*, p. 840.
[83] *Ibid.*, p. 838.
[84] *Ibid.*, p. 876.
[85] When Lord Crewe announced in the House of Lords the King's assent to the cabinet minute asking for the creation of peers, he spoke of the King's consent being given with "natural reluctance." Morley thought the use of that expression had led some peers to doubt the government's intention actually to create peers to carry the bill. He therefore secured from the King permission to make the following supplementary statement on the day the final vote was taken:
"His Majesty would assent to a creation of peers sufficient in number to guard against any possible combination of the different parties in opposition by which the Parliament Bill might be exposed a second time to defeat." Morley, *Recollections*, II, 353.

on August 10, 1911, when Lord Lansdowne and 300 other peers abstained from voting, 114 Die-Hards, led by Lords Halsbury and Milner voted against the government, while 131 voted in the government lobby. The majority was composed of eighty-one Liberals, thirteen prelates, including both archbishops, and thirty-seven Unionist peers.[86] At least twenty of this last group had voted in favor of Lord Lansdowne's amendment on July fifth. As Wyndham put it, "We were beaten by the Bishops and the Rats." [87]

And so ended for the time the long quarrel between the Lords and the Commons, begun in 1832, becoming acute whenever Liberal ministries were in office, and reaching a crisis in 1909, when the Lords' defiance of all the teachings of Conservative statesmen from Wellington to Salisbury culminated in their rejection of Mr. Lloyd George's budget. Perhaps the thing that most strikes an outsider in reviewing the long struggle is the conservative character of the settlement effected. As in the case of the first Reform Act, the intensity of the struggle has obscured the essentially moderate character of the measure. The provision in regard to money bills simply put in statutory form the limitations of the Lords' power which had existed in practice for some two hundred years until the "Constitutional" party defied tradition in 1909. Similarly with other measures; an arrangement which requires the government to pass its measures three times through the House of Commons and submit to a delay of two years in order to overcome the opposition of the House of Lords seems small gain, if any, over the position in which Gladstone found himself in 1880 to 1885, for example. It means that a government can only hope to carry during a single parliament two or three controversial bills which have occupied a prominent place in its election platform. And until the Conservative party under Mr. Balfour carried obstruction to new lengths, even a Liberal government could, in general, expect to carry the two or three major measures introduced in a newly elected parliament. In other words as in the case of money bills, the Parliament Act simply gave statutory effect to what had previously been the generally accepted constitutional practice. Conservative critics have admitted this. The author of "A Tory Plea for the Parliament Bill," declaring that the House of Lords gambled on the budget of 1909 and lost, and that the Parliament Bill was the price exacted, said:

[86] *Ibid.*, pp. 1074–1076.
[87] Asquith, *op. cit.*, II, 113.

"It is not so stiff as it looks for if examined calmly, apart from party passion, it will be found to be little more than the enactment of existing custom. The present power of the House of Lords is only that of animated delay." [88]

President Lowell has expressed a similar view:

"In fact, the legal rights of the House [of Lords] have been reduced little below the authority actually exerted by it before 1892, and unless its composition is radically changed it will still remain to some extent a political handicap in favour of the Conservatives." [89]

Yet, granting all this, the Parliament Act still remains an important document. True it only sets the seal of statutory authority upon generally recognized custom. But the same might be said of the Bill of Rights. It embodies in law the principle, only slowly ripened in the years since the passage of the first Reform Act, that the will of the people as expressed at the polls, must prevail. If it still makes possible a considerable delay in translating that will into law, that is partly due to the desire to guard against abuse; and partly, no doubt, to the conviction that the Lords will not too frequently insist upon stretching to the uttermost the powers still remaining to them. If they presume too far on the patience of the Commons in the use of their still considerable powers, the remedy is at hand in the Parliament Act itself. Hasty it may be, as its critics claim. Partial it certainly is, with its failure to remodel the Upper House and remedy the crying anomaly of its constant Tory majority. Nevertheless it represents a substantial achievement in the direction of political democracy toward the accomplishment of which so much of nineteenth and twentieth century effort has been expended.

[88] A. A. Baumann. "A Tory Plea for the Parliament Bill." *Fortnightly,* n. s. LXXXIX, 597.

[89] *Government of England,* I, 433.

CHAPTER VIII

Since the Parliament Act

It would be a grave mistake to regard the Parliament Act as having effected a permanent or generally acceptable solution of the relations between the Houses. The Liberal party through its leaders had pledged itself in 1911, before the Parliament Bill was passed, to carry out "within the lifetime of the present Parliament," the promise implied in the preamble of the act itself "to substitute for the House of Lords as it at present exists a second chamber constituted on a popular instead of a hereditary basis," such substitution to be accompanied by a measure "limiting and defining the powers of the second chamber." [1] The Parliament Act was regarded by its authors as a temporary expedient to meet an emergency until the more difficult problem of reconstituting the Upper House on a popular basis could be solved. As Lord Crewe said in 1918,

> "The Parliament Act, by the admission of its authors, of whom I was one, was never intended to be a permanent measure. Therefore, it is reasonable to say that men of all Parties and of all views agree that that Act, if not repealed, ought to be seriously qualified by further legislation." [2]

Obviously any solution which left untouched the old grievance of a permanent Conservative majority in the Upper House would not be acceptable to the Liberals, still less to the Labor party. Even the powers left the Lords under the Parliament Act were too great if they were to be exercised by a partisan chamber opposed to the democratic forces of the country.

Indeed the Labor party considered the Parliament Act as a positive limitation on the powers of the House of Commons, stereotyping in statutory form, by means of the suspensary veto, the existing handicap enjoyed by the Tories through their majority in the Lords.[3] As Mr. Ramsay Macdonald said at the special conference on parliamentary policy in January, 1914,

[1] *Parliament Act, 1910,* preamble.
[2] *Official Reports, Lords,* 1918, XXX, 610.
[3] *Report of the Annual Conference of the Labour Party,* 1914.

"When the Parliament Act was passed it limited the powers of the House of Commons. An instrument was passed which provided that whilst it was in operation three Sessions were practically to count as one Session. When the Parliament Bill was before the House of Commons the Party pointed out that it would hamper legislation." [4]

The Labor party, therefore, regarded the Parliament Act as making too great concessions to the Lords, and continued to advocate the abolition of the second chamber.

On the Tory side, it was frequently stated in the course of the debates on the Parliament Act that it would be the first duty of a Conservative government to secure its repeal. Lord Lansdowne, Mr. Balfour and Mr. F. E. Smith, among others, all spoke in this vein. Doubtless the majority of the Tories would have welcomed the repeal, or at least the modification of the Parliament Act and some degree of reform in the constitution of the Lords. But especially on the latter point there was no unanimity. The rank and file of back-bench peers who thought there was slight chance of election to a reconstituted House, felt no great zeal for a change which would deprive them of their own legislative dignity. They preferred membership in the House of Lords as limited by the Parliament Act to a stronger second chamber secured at the cost of their own exclusion. Among these were some who believed that but for unwise leadership there need have been no Parliament Act, and who wished to avoid any renewal of the controversy by accepting quietly the lesser rôle now assigned to them. Another group, strongly represented among the Tory leaders, though probably constituting a minority in the whole party, was so convinced of the need of a strong second chamber as a bulwark against socialistic legislation that in order to secure it they were prepared to sacrifice the legislative privileges of the hereditary peerage. Their views were represented in the House of Lords Reconstitution Bill of 1911. Power counted with them more than tradition and they were indifferent to the fate of peers whose legislative privileges would be lost by such a reconstitution. They hoped by limiting or abolishing hereditary privilege as a concession to popular prejudice to secure a restoration of power to the new Upper House. But they proposed to take care that the new body should be as conservative as the old and to secure it from subsequent assault by limiting the royal prerogative to create peers and by excluding from the operations of

[4] *Ibid.*

the Parliament Act any change in the constitution or powers of their newly created House.

Confronted with such a diversity of opinion, the chance of the Liberal government's being able to carry through any measure for the reform of the Upper House was slight indeed. They did, however, appoint a cabinet committee under the chairmanship of Lord Ripon to examine the question of how best to give effect to their pledge. Lord Haldane was a member of the committee and has revealed in his *Autobiography* some of the difficulties which confronted them. The difficulty with substituting for the existing House a directly elected Senate was felt to be the character of the election contests which it would involve for its members. Constituencies must be large and the contests therefore both strenuous and expensive. The assistance of the party organization would be necessary for success, and as a result the members of the Upper House would be as strong partisans as the members of the Lower House. Haldane believed that "Only vigorous young men with large funds behind them could have undertaken the requisite candidatures" and these did not constitute the type of member desired in the new second chamber.

> "The majority of us came to think that the preamble of the Parliament Act could therefore best be satisfied by constituting something resembling choice by electoral colleges made up of the directly elected members of the House of Commons. But this plan would obviously give rise to much controversy, and would be far from satisfactory to those ardent opponents who desired to strengthen the powers of the Upper Chamber. The result was paralyzing perplexity, such as was to arise years later when the Conservative Party endeavored to take the matter in hand." [5]

As a result of the difficulties presented by the question itself and of the indifference or hostility of the government's Irish and Labor allies no action was taken until the war intervened and crowded domestic issues into the background.

Meanwhile, experience of the Parliament Act in operation and the events of the war years resulted in modifying opinions both on the merits of the Act and on the whole question of single *versus* double chamber government. Between 1911 and 1914, two measures became law through the operation of the Parliament Act. These were Welsh disestablishment and Irish home rule. In both cases, suspensory acts were passed postponing the operation of the measure for the

[5] Haldane, *Autobiography,* pp. 282–283.

duration of the war. It was events in connection with the home rule bill which showed up one of the serious faults of the Parliament Act. The interval between its first rejection by the Lords and its final passage by the Commons two years later was used by the opposition to organize armed resistance to the proposed measure. The result was such an embittering of relations between North and South Ireland that the Act had to be postponed during the war, and after the war, could only be carried into effect at the cost of a shocking civil war and the dismemberment of Ireland. Mr. J. A. Spender says apropos of the working of the suspensory veto in the case of home rule:

"It seems to me that far too little attention has been paid to the constitutional aspects of the Irish struggle between 1912–1914. If the period of the suspensory veto is to be used for organizing forcible resistance to the decisions of the House of Commons, the last state of the case will be worse than the first, and the House of Lords may find itself the centre of extra-constitutional movements which, if not checked would be fatal to parliamentary government. The question is in a dangerous state of unsettlement, and if two Chambers are still thought necessary, experience points to the necessity of quick decisions in the issues which arise between them." [6]

Another result of the Parliament Act was to tighten the grip of the executive on the House of Commons. Alarm at the growing subjection of the Lower House to the cabinet had begun as far back as the '90's. In 1894 Sidney Low published an article called "If the House of Commons were abolished?" in which he pointed out the transfer of the Commons' powers to the cabinet, the party caucus, the press and the platform.[7] This transformation was in part a natural consequence of the extended franchise which had led to the creation of party machinery which increased the subjection of private members to the whips on the one hand and their constituents on the other. It was partly the result of revised rules of procedure, restricting the rights of unofficial members and reducing the opportunities for criticizing the general policy of the government. These were brought about in the first instance by Irish obstruction, but they were subsequently rendered more drastic by successive governments of both parties. Probably if there had been no Irish obstruction to cope with, revised rules would have been necessitated by the growing mass of legislation and administration with which parliament has to deal. The growth of the empire, the opposition to home rule for Ireland, or devolution for the

[6] J. A. Spender. *The Public Life* (London, 1925), I, 170.
[7] *Nineteenth Century*, 1894, XXXVI, 846 f.

integral parts of the British Isles, as Gladstone would have preferred, had so overburdened the single legislature at Westminster that the only way it could meet the increased demand for social legislation was by resigning its liberties to an all powerful cabinet.

The Parliament Act aggravated this situation, already sufficiently serious. A writer in the *Round Table* describes its effect upon the independence of the House of Commons as follows:

> "For during two and a half years which must elapse before a bill rejected by the House of Lords becomes a law the bill overshadows the whole life of Parliament. Though other matters of fundamental importance are before the House, everything is subordinated to getting the main parliamentary plank, not yet law, on the Statute Book. Members are urged and induced to support the Cabinet on many matters on which they might otherwise oppose it in order not to imperil the bill, which means that the power of the party machine over the individual member is largely increased." [8]

The views expressed by Professor J. H. Morgan were similar. He believed the Parliament Act enabled the Lords to disavow all responsibility for legislation; increased the domination of the cabinet over the House of Commons; and decreased the Commons' power of debating adequately the legislation brought before them because of the legislative congestion caused in the first sessions of a new parliament by desire to take advantage of the Parliament Act.[9]

The loss of independence by the Commons had formed a staple argument for a second chamber all along, and was frequently heard during the debates on the Parliament Act. It gained new force from the experiences of the war when domination by the cabinet oligarchy was carried to lengths never known before. Most people felt at the close of the war that some steps must be taken to remedy the situation if parliamentary government was to survive. Some sought the remedy in electoral reform and a modification of the rules of procedure of the House of Commons. Others advocated the creation of subordinate legislatures to relieve the congestion at Westminster. A conference to consider such plans was held in 1919–20, but no agreement could be reached, and the only changes made were an increasing use of grand committees in the House of Commons. A natural consequence of the dissatisfaction with conditions in the House of Commons was an

[8] *Round Table,* VII, 18–19.

[9] "The House of Lords and Its Future." *New Statesman, Second Chamber Supplement,* II, No. 44, February 7, 1914.

increased appreciation of the rôle of the House of Lords as independent critic of the government. In 1914, the Defense of the Realm Act met with more opposition in the House of Lords than in the House of Commons, and it was the Lords' amendments which secured a jury trial to British subjects.[10] Mr. J. H. Thomas, one of the leaders of the Labor party, in *When Labour Rules,* written in 1920, referred to the "curious and ironic fact that during many stages of the war the real guardians of the people's liberties were to be found in the Upper House."[11] Mr. A. G. Gardiner, Liberal journalist, in an article called "The Twilight of Parliament" declared that the only independent criticism of the ministry now comes from the House of Lords.[12] Lord Charnwood attributed part of the Lords' gain in prestige to the effect of the Parliament Act.

"To my mind," he said, speaking in the House of Lords, "the most striking thing about this whole question of Second Chambers is that now, since the Parliament Act—not, I venture to think, before that Act—this House enjoys an universal respect and confidence enjoyed by no other Second Chamber in all the world, and is probably able to maintain and safeguard that satisfactory and proud position. The authority of your Lordships' House, which I believe to have been greatly increased by the restriction of its former powers, is a growing authority."[13]

Not all the advocates of second chambers would have agreed with Lord Charnwood's view of the position of the Lords, but undoubtedly it is an increasingly critical attitude toward the House of Commons, and an increased realization of the usefulness of a second chamber, properly constituted, which accounts for three plans for a reformed second chamber coming from authors representing three sections of the Labor party. Mr. and Mrs. Webb, writing in the *New Statesman* in 1917 declared:

"The British Democracy will be in full agreement with the most timid of property owners in not desiring to erect even its elected House of Commons into the position of a supreme dictatorship. *The case for the Second Chamber confined to the proper functions of a Second Chamber is irresistible.*"

[10] Westel W. Willoughby and Lindsay Rogers. *An Introduction to the Problem of Government* (Garden City, N. Y., 1922), p. 103 note 1.

[11] Quoted in Edward McChesney Sait and David P. Borrows, *British Politics in Transition* (Yonkers, N. Y., 1925), pp. 166–167.

[12] *Atlantic Monthly,* 1921, CXXVIII, 248.

[13] *Official Reports, Lords,* 1922, LI, 811.

In their view, a proper second chamber should have "well-defined functions of its own which it cannot extend, and sufficient power to 'hold up' the popular assembly without opportunity to compete with it"; its members should be "persons of ripe wisdom and judgment, known to and respected by the public for their personal qualities; not representative of any one class or interest" but "widely inclusive of legal and administrative training and experience." Such a chamber, they thought, was not to be procured either by popular election or by nomination. They suggested that it should be elected by the House of Commons after each general election by proportional representation, and should comprise one hundred members, men or women, not members of the House of Commons. It should have power, except in the case of money bills, to refer them back to the House of Commons for reconsideration in a subsequent session, or even "for reconsideration of the House of Commons to be chosen at the next ensuing general election." [14]

The suggestion of Mr. J. H. Thomas was similar, but not so definite. He was positive that the hereditary principle must be discarded and suggested an elective House which "could be a small body chosen on a large geographical basis, or it could be a body chosen from the House of Commons, and containing proportionate representation of the political parties returned to the Lower Chamber." It should be dissolved concurrently with the Lower House, and its powers should be limited as under the Parliament Act.[15]

Mr. Ramsay Macdonald feared a second chamber elected by proportional representation or in larger constituencies would claim coordinate powers with the House of Commons. His solution was "a Second Chamber on a Soviet franchise":

> "Guilds or unions, professions and trades, classes and sections, could elect to the Second Chamber their representatives, just as the Scottish peers now do. It would enjoy the power of free and authoritative debate (no mean power); it could initiate legislation, and it could amend the bills of the other Chamber; it could conduct its own inquiries, and be represented on Government and Parliamentary Commissions and Committees. If in such a body Labour were adequately represented, and there were a strong Labour Party in the other body, the real needs and concerns of the nation would not be overlooked, but would be felt by the two Houses with a directness which we have not known hitherto in our political life." [16]

[14] Quoted in Sait and Barrows, *op. cit.*, pp. 168–173.
[15] *When Labour Rules,* New York (1921), pp. 46–47.
[16] J. R. Macdonald, *Parliament and Revolution* (New York, 1920), pp. 80–83.

A body so constituted, Mr. Macdonald, thought, should have "the right of initiation for all industrial legislation, which, however, would require the assent of the political chamber before it became law, but the council would not have to assent to the political work of the other chamber. There would be one sovereign political authority." [17]

These views show that the attitude of Labor toward a second chamber had undergone some change, although it condemned the existing House of Lords as heartily as ever. Officially, however, the Labor party at its annual conferences continued to call for abolition of the House of Lords without the substitution of any new second chamber.[18]

On the other hand, the capture of parliament by the representatives of organized capital, which was the Labor view of the election of 1918,[19] presented the whole matter in a somewhat different light. One of their pamphlets pointed out that while the theory of parliament since the French Revolution has been that the House of Commons is supreme, and is elected by free and equal citizens of the country divided for purposes of convenience in electing members of parliament into constituencies, "clearly this modern theory is not an adequate description. It takes no account of the existence of political parties or of the fact that the great industrial combines, on the one hand, and the great trade unions on the other, regularly send their representatives to Parliament." [20] Just as the Reform Act of 1832 was in essence the culmination of the contest between the land-owners and the middle-class manufacturers, so the present struggle is at bottom one between Capital and Labor and looked at in that light, "The Peers v. People issue of 1910–1911 was, of course, a sham fight." [21]

"The dominant position held by finance capital," it continues, "can be measured in a curious way. That is by its effect on the vestige of feudalism, the House of Lords. There is no longer any question of the House of Lords representing Norman blood or generations of titled ancestors. The men who sit on the red benches are great financiers like Lord Rothschild and Lord Swaythling; captains of industry like Lord Leverhulme and Lord Pirrie; great magnates like Lord Vestey, of the meat trust, and Lord

[17] J. R. Macdonald, *Parliament and Democracy* (London, 1920), pp. 55–58.
[18] See reports of annual conferences, June, 1918, p. 68; 1919, App. IV, p. 183.
[19] W. C. Anderson, "The Profiteers' Parliament," I. L. P. Pamphlets, New Series, No. 2. 1919.
[20] "Labour and Capital in Parliament." *Labour Research Dept. Studies in Labour and Capital,* III: 3.
[21] *Ibid.,* p. 5 note.

Inchcape of the P & O combine; and finally millionaire newspaper proprietors like Lord Beaverbrook and Lord Rothermere.

"But though the representatives of Big Business have captured both the Commons and the Lords, their power does not reside there or depend upon this capture. This generation, which has seen a newspaper make and unmake a Government, has no illusions on that score. Just as the King, the Sacramental Man of the Middle Ages, lost all his personal power and became the mere façade of the structure of government, so the whole Parliament has become a façade behind which go on the operations of finance capital and the real government of the country. Were the workers' representatives to gain a majority in the House of Commons and abolish the House of Lords, they would only have captured the outworks. The real struggle would still lie before them." [22]

While the abolition of the House of Lords, as an outpost of capitalism, still continues desirable from the Labor standpoint, it no longer occupies so important a place in their program as before it was realized so clearly that it is only an outpost.

Interesting and important as Labor views on the reform of the Lords may be, there has obviously been no opportunity thus far for translating them into legislation; while the coalition government and the Tories have both had an opportunity to put their views on the statute book. Many persons felt that a coalition government was peculiarly fitted for grappling with the problem, and with the close of the war, brought pressure to bear on the government to undertake its solution. The government had already appointed in 1917 a conference of thirty members under the chairmanship of Lord Bryce to frame a plan of second chamber reform. The members of the conference represented all parties and all shades of opinion; the consequence was that no general agreement could be reached. The report, therefore, took the form of a letter from the chairman to the prime minister stating the conclusions reached, but these were in many cases the decision of a majority only and not binding upon the conference as a whole. The recommendations which were reported in Lord Bryce's letter may be summarized as follows. The new second chamber should consist of not over 324 members, exclusive of the law lords, who were to be members *ex officio* provided the judicial functions of the present House of Lords were transmitted to its successor. Of this number, not over one-fourth, or eighty-one, should be chosen from the peerage, and this number was to be gradually reduced to thirty. The choice of the representative peers was not to rest

[22] *Ibid.*, pp. 5–6.

with the peerage as a whole, but with a committee of ten, five of whom were to be named by the Committee of Selection of the new House and five by the speaker from the House of Commons. The remaining three-quarters of the members were to be elected in thirteen districts into which Great Britain was to be divided for the purpose, by the members of the House of Commons representing constituencies within the districts. No qualifications as to age, property or residence were imposed; and the term for all members was to be twelve years, one-third retiring every four years. As to the powers of the new body, it was to have no authority over money bills, but the certification of money bills was taken from the speaker, in whom the Parliament Act vested it, and committed to a joint committee of fourteen chosen from both Houses with power to coopt a chairman from outside. On ordinary legislation, final authority was lodged in a "Free Conference," composed of sixty members, one-half from each of the two Houses. This body could reject measures referred to it; or amend them, in which case they had to be accepted or rejected by the House of Commons in the form which they assumed in the Free Conference. Thus the Free Conference was practically a third chamber. This feature of the proposal was generally regarded as the weakest part of the recommendations of the Bryce Conference.[23]

The recommendations of the Bryce Conference met with a mixed reception in the House of Lords. In July, 1918, the marquis of Crewe urged that the government take action based upon the Bryce Report before the next general election. Lord Curzon, for the government, said it was impossible to deal with the question at that moment because of pressing problems of the war; and expressed the opinion that the public was indifferent to the matter. In the discussion which followed, Viscount Haldane declared the most effective second chamber would be one as similar as possible to the House of Commons, and chosen by it for the same term. The recommendations of the Bryce Conference did not, in his opinion, go far enough. Lord Burnham, a member of the conference, dissented strongly from Haldane's view, and said his plan had not a single champion in the conference. Lord Balfour of Burleigh, also a member of the conference, regretted that the views of the dissentients had not been adequately stated, and declared in his opinion "the particular method suggested for the constitution of the second chamber is the worst that could possibly be

[23] Sait and Barrows, *op. cit.*, p. 175 f., in which the report is quoted in full.

devised." [24] A year later, Lord Bryce referred to the government's pledge to deal with second chamber reform in the next session. This was denied the next day by Lord Curzon, who said the government intended to deal with the question and admitted it formed a part of the policy on which they went to the country, but declared that no pledge had been given to deal with it in the next session.[25]

There seems to have been no mention of the subject in the House of Lords the following year, but in 1921 the earl of Selborne, seconded by Lord Bryce, urged the government to deal with the question in the current session. There was much talk, especially on the part of Lord Selborne, of the danger of a Labor government, and the consequent necessity of strengthening the House of Lords as a bulwark against the attacks on the established order which might be expected under a socialist régime. Lord Curzon, on this occasion, explained that the government had appointed a cabinet committee in 1920 to prepare a measure for parliament, but the necessary absence of some of its members at the League of Nations and elsewhere had delayed the completion of its task.[26]

In February, 1922, the King's speech for the third time since the Bryce Conference promised that

"Proposals will be submitted to you for the Reform of the House of Lords and for the adjustment of differences between the two Houses." [27]

The mover of the address referred to the desirability of having the question settled by a non-party government, and also to the difficulty of settlement in view of the differences not only between parties, but between members of the same party. The marquis of Crewe, as leader of the opposition, took occasion to warn those who advocated House of Lords reform as a bulwark against the Labor party.

"Of one thing, however, I am quite sure—namely that it would be worse than useless to attempt to set up a Second Chamber as a solid bulwark of property against attacks which may be made upon property, whether property in land, or in money, or in anything else, by some party at some future date. If the institution of property is to be safeguarded from attacks by those who hold what we call wild views on the subject, it can only be by convincing the majority of people that those wild views

[24] *Officiaf Reports, Lords,* 1918, XXX, 610 f.
[25] *Official Reports, Lords,* XXXV, 927–928.
[26] *Official Reports, Lords,* XLIV, 690 f.
[27] *Official Reports, Lords,* 1922, XLIX, 3.

are wrong. You will never do it by setting up a privileged body of persons, whether you call that body the House of Lords or anything else, with the idea that you can arrest the onrush of the flood by a breakwater of that sort; and I am certain that when the time comes when the reorganization of this House as a reformed Second Chamber has to be considered, this is a consideration which your Lordships will have to bear in mind." [28]

Lord Curzon, leader of the House, referred to the Parliament Act as "a provisional attempt—as I think an unwise attempt" to solve the problem of the relations between the Houses; and announced that the government would first introduce resolutions, then a bill based upon them. Lord Buckmaster referred to a speech by the lord chancellor in which he had declared the speaker's power of certifying money bills must go, a sentiment which he heartily endorsed. On the other hand, he pointed to the growing appreciation of the advantages of the House of Lords as a chamber in which unrestricted discussion was still possible. This, he believed, had enhanced its prestige in the last few years, and lessened the demand for reform.[29]

In spite of the promises made and the interest shown at the beginning of the session, action was postponed repeatedly, first because of the absence and later because of the illness of Lord Curzon. After repeated postponements, the earl of Crawford presented the long-awaited resolutions, on behalf of Curzon, on July 11, 1922. They were hardly worth waiting for so long. They were five in number. The first stated that aside from royal peers, lords spiritual and law lords, the House should be composed of members elected, directly or indirectly from outside; of hereditary peers elected by their order; and of members nominated by the Crown. The proportions of each group to the whole and the methods of election were left undefined. The second resolution provided that with the exceptions noted above, all members of the House should sit for a term of years only, but should be eligible to reëlection or reappointment. Resolution three suggested 350 as the approximate number in the new House. Resolution four handed over the speaker's power to certify money bills to a joint committee with the speaker as chairman. Resolution five continued the provisions of the Parliament Act in regard to general legislation with the exception of "any Bill which alters or amends the constitution of the House of Lords as set out in these Resolutions, or

[28] *Ibid.*, pp. 17–18.
[29] *Ibid.*, pp. 37–38, 42, 48.

which in any way changes the powers of the House of Lords as laid down in the Parliament Act and modified in these Resolutions." [30] When the resolutions were discussed on July eighteenth, they met with hostile criticism from all quarters. Lords Selborne and Lansdowne deplored the disregard of the work of the Bryce Conference, and others thought them so vague as to be hardly worth discussing. It was on this occasion that Lord Charnwood made the statement quoted above, as to the increase in the respect for and confidence in their House since the Parliament Act. Because of this view, Lord Charnwood opposed any reopening of the controversy. After four days' debate, decision was postponed until the autumn session; but before then the coalition had been turned out, and a Unionist government under Bonar Law was in office.

The half-hearted attempt of the coalition government to settle the question had called forth hearty condemnation from both Liberals and Laborites. The National Liberal Federation passed a resolution that

> "Any reconstitution of the Second Chamber must continue the restrictions placed by the Parliament Act on the powers of veto possessed by the House of Lords, and must preserve to the House of Commons its present unfettered control of national finance, and any such scheme of reform which does not fulfil these two conditions will be resisted by the whole force of the Liberal Party." [31]

The *Daily Herald,* spokesman for the Labor Party, expressed itself no less emphatically in favor of abolishing the Lords:

> "Labour's answer is plain and clear. We stand not for the useless limitations of the Parliament Act, not for any tinkering at reforms of the House of Lords, but for its root and branch abolition. We are out in the old phrase—to 'end 'em, not mend 'em.' " [32]

Probably it was a growing realization of the difficulty of settling the question in any way that would be generally acceptable that made both Bonar Law and Mr. Stanley Baldwin so reluctant to deal with it. Speaking during the election campaign in 1922, Bonar Law declared that the difficulty of a settlement made it unwise to tackle it during the first two sessions of the new parliament, but "we must, if the opportunity seems suitable, try to deal with it." His reference

[30] *Official Reports, Lords,* 1922, LI, 324.
[31] Quoted in Sait and Barrows, *op. cit.,* p. 187.
[32] *Daily Herald,* July 7, 1922. Quoted in Sait and Barrows, p. 187.

to the policy of his party was not altogether clear. He began by denying emphatically that they would repeal the Parliament Act, and ended by saying

"I would think it utterly unfair to the men of differing opinions who are coming to support us, because they believe it is in the national interests, simply to repeal the Parliament Act, and to leave things exactly as they were before it passed." [33]

The short term of the Bonar Law government made any action impossible. Nor did the Labor government, in office but not in power for nine months, produce any legislative proposals. It did, however, exercise some influence over the situation. The conservatism of Labor in office went some way to discount the fears of those who clamored for a strong chamber as a bulwark against socialism. It also brought into sharper relief the anomaly of a system in which the party in power might have but a handful of members in the Upper House. On the other hand, the fair treatment given Labor by the Lords must have lessened somewhat Labor's prejudices against them. Lord Haldane, lord chancellor in the Labor government, bore testimony to their forbearance:

"During the days of the late Government you were very good to us; you recognized that we stood for a good deal in the country and that it was not expedient that there should be conflict between you and us. You met us handsomely on every occasion. That is a spirit which in itself goes a long way to get over difficulties." [34]

In the election of 1924 which followed the few months of Labor government, Mr. Baldwin expressed "grave doubts" as to the sufficiency of the safeguards against hasty legislation and especially against financial legislation in the Parliament Act; and declared that "if a Unionist Government would have time and power," it would be their duty "to consider, within the framework of the Parliament Act, whether it is practicable to make provision for the machinery of the second chamber for preserving the ultimate authority in legislation to the considered judgment of the people, and, if it is practicable, the adaptation or amendment of the constitution of the House of Lords would be a necessary condition for carrying this into effect." [35]

[33] Quoted in Sait and Barrows, p. 188.
[34] *Official Reports, Lords,* 1925, LX, 699.
[35] Quoted in Sait and Barrows, p. 189.

Neither Bonar Law's nor Mr. Baldwin's speech shows any great zeal to jeopardize the fate of the government in an attempt to reform the Lords. Mr. Baldwin's election address in 1924 contained no mention of House of Lords reform, so that when Conservatives, in 1925, pressed the government to take steps in that direction, it was possible for opponents to claim that the parliament elected in 1924 had no authority to deal with the question. The *Manchester Guardian,* referring to the anxiety of some Conservatives to tackle House of Lords reform, said editorially:

"The main object of these extremists is of course to get rid of the Parliament Act by substituting some colourable scheme for giving the Upper House a more representative character. But that is just the one thing which they have no right to do, first because the Parliament Act was affirmed by great majorities of the electors at three successive general elections and cannot honestly be repealed by a Government which has no electoral majority at all, and secondly because the repeal of the Parliament Act formed no part of the political programme on which this Parliament was elected." [36]

The *Guardian* predicted that if the Conservatives attempted to repeal the Parliament Act, it would "bring the two sections of the Opposition, the Liberal and the Labour together as perhaps nothing else could."

The subject was, however, revived in the House of Lords on March 25, 1925, when the duke of Sutherland asked the government if they were prepared to introduce legislation for the reform of the Lords in the near future in view of the importance of passing such legislation during the lifetime of the existing parliament.[37] The duke's question led to a debate in the course of which several divergent points of view found expression. Lord Haldane, now a Laborite, pointed out two ways of dealing with a chamber like the House of Lords. One was to sweep it away and start afresh with a senate, the other was to let it alone to adapt itself to changing conditions as it had done in the past. He favored the second alternative, and cited as an example of the adaptability of the Lords their recent treatment of the Labor

[36] *Manchester Guardian Weekly,* February 13, 1925. The Conservative majority of 1924 was returned by a minority of the total votes cast. In other words, if proportional representation had been in effect, the number of Conservative members would have been considerably reduced.

[37] *Officials Reports, Lords,* 1924–1925, LX, 685.

government.[38] The author of the Parliament Act, newly created earl of Oxford and Asquith, professed to hold the same views as in 1911 in regard to the House of Lords, namely, that a second chamber was necessary, but the House of Lords did not fill the rôle as it should. He did not wish to see the functions of the second chamber as fixed by the Parliament Act enlarged.[39] The lord chancellor, Lord Cave, speaking for the government, made it plain that their interest in a revision of the Parliament Act was in order to increase the power of the Lords, and that they cared for a reconstitution of the House only as a means to that end. He announced that the prime minister proposed the appointment of a cabinet committee to examine the problem, and possibly to submit a plan to parliament the following year.[40] The lord chancellor was followed by the earl of Midleton and half a dozen other Conservative speakers, all in the same vein. There were no dissenting voices on that side of the House.

Debate on the duke of Sutherland's motion was resumed on April second. Lord Birkenhead referred to the announced intention of the prime minister to appoint a cabinet committee, and indicated the line he thought the committee should take by sketching his own scheme for a reformed Upper House. It should consist of three hundred members, containing an official element of about one hundred and twenty chosen from those distinguished in civil, military and diplomatic employment; an elective element, chosen by and from the

[38] *Ibid.*, p. 699. In his *Autobiography,* Haldane refers to the fact that the House of Lords lends itself more readily than the House of Commons to opportunities for discussion of matters of general importance. But its value as a critic of the government's administration is hampered by the absence of responsible ministers, answers being given in the House of Lords by junior ministers, simpy speaking from briefs. He suggests that this might be remedied by allowing the responsible ministers to make statements to the House of Lords, even when members of the Lower House. *Autobiography,* pp. 325–327.

[39] *Ibid.*, pp. 700–704. Asquith's impression of the House of Lords, as a member, seems to have been unfavorable. On March 24, 1925, he recorded after a month's experience that with the exception of Curzon's last, he had not heard "even a decent speech in the Lords." Two days later, referring to the debate on the second chamber, he wrote "The standard of speaking there is deplorably low. Men like—and—would hardly be listened to in an average County Council. They mumble away a lot of spineless and disconcerted platitudes." In December, he stated his opinion that the House of Lords was "the worst audience in the world; great politeness (except when 'Chuck-it-Smith' takes the floor) but no resilience, or even response, either from friends or foes." *Memories and Reflections 1822–1927,* 2 v. (Boston, 1928), II, 273, 274, 276.

[40] *Ibid.*, pp. 704–708.

hereditary peerage; and a nominated element, appointed by the prime minister of the day. As to powers, he advocated retaining the Parliament Act with these very significant exceptions: the speaker's power over money bills should be transferred to a joint committee; and no alteration in the Parliament Act affecting the constitution or powers of the House of Lords could be made without an explicit general election upon it. He thought ministers might be allowed to speak in both Houses, and joint sessions could be used to advantage in the settlement of disputes.[41] The marquess of Lansdowne, following Lord Birkenhead, said he was opposed to any attempt to repeal the Parliament Act, and thought any change in the existing status ought to be effected—to use Mr. Baldwin's phrase—"within the framework of the Parliament Act." Whether he thought Lord Birkenhead's plan could be carried out "within the framework of the Parliament Act" was not made clear.[42]

The zeal of the unofficial members outran the speed of the ministers in producing a plan. When a year had passed and still nothing was heard from the cabinet committee, Viscount Fitzalan of Derwent, on June 20, 1927, undertook to prod the government into action by asking leave to introduce a measure "limiting and defining membership of the House and dealing with defects which are inherent in certain provisions of the Parliament Act." [43] The duke of Marlborough voiced his opposition by moving an amendment:

> "That in view of the failure of any scheme of House of Lords reform to arouse interest, this House regards further discussion of the question as inopportune and unprofitable." [44]

A substitute amendment was moved by the earl of Arran to the effect that any proposed change in the House of Lords by the present government should first be submitted to the electors, since House of Lords reform was not mentioned in the prime minister's election address of 1924.[45] Thus prodded, the lord chancellor announced the intentions of the government, based upon the report of the cabinet committee appointed in 1925. The new House was to be reduced to about 350 members, all but royal peers, lords spiritual and law lords to be chosen from the peerage or nominated by the Crown for a term of

[41] *Ibid.*, pp. 945–950.
[42] *Ibid.*, p. 965.
[43] *Official Reports, Lords,* 1927, LXVII, 757.
[44] *Ibid.*, p. 764.
[45] *Ibid.*, p. 773.

twelve years. As to powers, the suggestion was that of Lord Birkenhead in 1925: to substitute a committee for the speaker in the certification of money bills; and to exclude from the operation of the Parliament Act any bill altering the constitution or powers of the House of Lords.[46] Lords Russell and Thompson, supporters of the Labor party, pointed out that the modification of the House of Lords to form a barrier against socialism would only play into the hands of extremists. What the government's proposal amounted to was, by limiting the royal prerogative in the creation of peers and excluding subsequent changes in the constitution of the Lords from the operation of the Parliament Act, to set up a permanently conservative body that could not be modified in any constitutional way.[47] At the end of three days' debate, the duke of Marlborough's amendment was withdrawn, the earl of Arran's was defeated 54–212, and Viscount Fitzalan's was carried without division. The government let it be understood that a bill on the lines discussed would be brought in the following year.

No sooner were the government's proposals known to the Commons than a formidable mutiny developed in the ranks of the government's followers there. This was due to various causes. Some members were House of Commons men first and Tories afterwards, and looked jealously upon any attempt to restrict the powers of their House. Perhaps a more potent cause of objection was the conviction that the proposals suggested came from the extreme right wing of the party and would be distasteful to the rank and file of their constituents in the country. After three and a half years in office, the thoughts of Commoners were turning toward elections, and they were not anxious to prejudice their chances at the polls by unpopular legislation. The Labor opposition found, therefore, unexpected and welcome allies in their objection to the government's proposals. Questions were asked and evasively answered on June twenty-third, and receiving no promise for an opportunity of discussing the question, the opposition moved a vote of censure on July sixth. Mr. Macdonald, on behalf of the opposition, made the following motion:

"That this House regrets that the Government has put forward a scheme for fundamental changes in the House of Lords which gerrymanders the constitution in the interests of the Conservative party, deprives the House of Commons of that control over finance which it has

[46] *Ibid.*, pp. 778–786.
[47] *Ibid.*, pp. 955–964; 981–984.

possessed for generations, entrenches the House of Lords, on a hereditary basis, more firmly against the people's will than for centuries past, and, in defiance of every precedent of modern time, robs the electors of power to deal with the House of Lords; and this House declares that it will be an outrage on the constitution to force such proposals through Parliament without a mandate from the people." [48]

Speaking in defense of his motion, Mr. Macdonald referred to the revolt on the Tory back-benches:

"There has been a serious revolt on the benches behind the Prime Minister. I have had various figures supplied to me, and according to those figures—I shall take them on the authority given to me—80 members have shown hostility, 103 have shown such lukewarm interest in supporting the Government that that interest amounts to a warning, that if they are pushed a little further they will cease to do it altogether, and 14 have endorsed the fully considered proposals of the Cabinet regarding the Second Chamber."

Mr. Macdonald acknowledged that a vote of censure was not the proper procedure for such an occasion, but said it was forced upon them by the government's refusal of time for discussion.[49] Following a very feeble defense by the prime minister, the Tory backbenchers expressed their dissent from their leaders. Mr. John Buchan, only recently elected, defended the Parliament Act as having turned out far better than either its supporters or its opponents imagined in 1911.

"I am sure it has turned out far better than any scheme of internal reform which was intended to supplement it. By a happy chance this admittedly crude measure fell in with the natural evolutionary process of our institutions . . . I believe that the Parliament Act has increased the prestige of the House of Lords, because it has done much to remove from it a certain atmosphere of popular suspicion. . . . The Lord Chancellor's scheme proposes to take powers and composition of a reformed House of Lords altogether out of the Parliament Act. It proposes at the same time to abolish the power of the Crown to create Peers at the request of the Government of the day. . . . The result is that the House of Lords, on this scheme, will become a permanent and unchallengeable corporation. I think that is a most dangerous doctrine."

He compared the present proposal with the Peerage Bill of 1719 in its intentions. It would give to an important part of the constitution the rigidity of a written document, "a thing not only repugnant to Conservatism but wholly alien to the tradition of our public life." The

[48] *Official Reports, Commons,* 1927, CCVIII, 1279.
[49] *Ibid.,* 1279–1281.

excuse for this was fear of the revolutionary intentions of some future government.[50] Mr. Robert Sanders, chairman of the committee in the House of Commons on House of Lords reform, said the proposals of the lord chancellor were a complete surprise to him. "My proposals on the subject, of whatever importance they are, would be quite different from the proposals which the Government have put forward." However, he was willing to take the government's proposals "as rather a meagre installment of what we want." [51] Lieutenant Colonel Spender Clay, another Tory member, announced that if the government brought in the lord chancellor's proposals in the form of a bill, he would oppose it.[52] Captain Bourne, the member for Oxford, was the only Conservative speaker giving whole-hearted support to the government. The vote of censure was, of course, lost on division, the vote being 167–362.

In spite of the snub received from its followers in the Commons, the annual conference of the Conservative party held in the following October, gave the government an overwhelming vote in favor of proceeding with House of Lords reform before the next general election. There were only four dissentient votes cast among 2500 delegates.[53] But two succeeding sessions of parliament passed without any action being taken, and in June, 1929, elections and defeat overtook the Tories without their having fulfilled their pledge to reform the House of Lords and modify the Parliament Act. With a Labor government again in office, the zeal for legislation dealing with the Lords will shift from the Upper House to the Lower. But without Liberal support, Labor is helpless, and Liberals seem more and more inclined to let well enough alone.

Doubtless it would be rash to venture any prophecy as to the probable outcome of the question in the next few years. If one were to judge by the constitutional tendencies apparent in other countries since the war, the chance of survival of a bicameral parliament would seem very slight. Five of the new states created by the Peace of Versailles have no second chamber, namely, Estonia, Finland, Latvia, Lithuania and Jugo-Slavia. The constitutions of both Austria and Czecho-Slovakia permit the lower house to enact laws over the veto of the upper house, the former if 50 per cent of the members are

[50] *Ibid.*, 1311–1316.
[51] *Ibid.*, p. 1331–1332.
[52] *Ibid.*, p. 1345.
[53] *Public Ledger*, Philadelphia, October 7, 1927.

present and a majority vote to repass the measure; the latter, if a majority of 50 per cent of the members favors overriding the veto. The constitution of the German Republic contains the proviso that if the Reichstag repasses by a two-thirds majority a bill rejected by the Bundesrat, the President must either promulgate it within three months or submit it to a referendum. Belgium and Hungary have both carried through second chamber reform since the war, the latter including provisions similar to those of the British Parliament Act for the settlement of conflicts between the houses. Of greater significance, perhaps, is the creation in Germany, Russia, and France since the war of economic councils to supplement the political legislatures in the preparation and criticism of economic measures. These are in line with Mr. Macdonald's suggestions for an Upper Chamber cited above.[54] But there is scant reason to assume that these examples will exert any appreciable influence on British policy.

Not only has the House of Lords the whole weight of continuity and immemorial prestige back of it, but judging by opinions expressed in and out of parliament since the war, the experience of the war years seems to have exerted an opposite effect in Great Britain to that apparent on the continent. It is not only that the number of those favoring the bicameral system seems to have grown; but the war record of the House of Lords has gained new friends for that body as at present constituted. In general, however, the warmest friends of the bicameral system are also the warmest advocates of House of Lords reform. It is the diversity of opinion among the reformers, rather than the strength of those who favor the *status quo,* which promises—or threatens—to secure a new lease of life to the hereditary chamber.

Without venturing to predict if or when or on what basis the long standing problem will be solved, it is perhaps permissible to call attention to one of the suggested solutions which seems to secure the principal desiderata in a second chamber, and at the same time to avoid most of the dangers of conflict and competition with the elective house which have given rise to the problem. The suggestion comes from Mr. J. A. Spender in his *Public Life.*

[54] For text and discussion of the post-war constitutions, see Howard Lee McBain and Lindsay Rogers, *New Constitutions of Europe* (New York, 1922), especially Chapter III on Second Chambers. On the National Economic Council in France, established in January, 1925, see article in *American Political Science Review,* 1926, XX, 623 f. The new Hungarian Second Chamber, created by a law of November 12, 1926, is described in *Current History,* 1927, XXV, 616.

"We have got it into our minds that the duty of a Second Chamber must necessarily be to revise or veto the legislation of an elective House. Is it not possible to reverse conventional thought on this subject and think in future of a preparatory rather than a revising Chamber—a First rather than a Second Chamber—a Chamber which shall prepare the ground for legislation on burning questions; provide government and the public with all the available knowledge on these subjects; show what the alternative solutions are and which, if any, of the solutions are barred by economic facts or unforeseen consequences; a Chamber in fact which should provide all that essential knowledge which is so apt to be obscured in the battles of parties and their electioneering cries?

"Recent experience in all countries suggests that what modern democracy most needs is some such authoritive organ of knowledge, to see that political issues are shaped in intelligible terms and that electors are not driven to a choice between mischievous or impracticable alternatives. It becomes less and less probable that popularly elected bodies will be able to fill this gap through select committees corresponding with the balance of their parties, and politics as now conducted leave the best and most industrious members too little leisure for this purpose. But if we could abandon the idea of setting hereditary or indirectly elected persons to keep elected persons in order and seek instead to provide them and ourselves with new apparatus of knowledge and fact, we might have a means of steadying opinion which would not conflict with any democratic principle and yet be powerful and influential. Incidentally we might provide a new way into public life for men whose contribution might be of the highest value, and a way back for others whom the present course of politics is driving into the wilderness." [55]

Such a body would supply the experience and technical knowledge which the popularly elected body frequently lacks, but which modern legislation requires. Mr. Spender does not say how he thinks such a body could best be secured—obviously not by popular election. Possibly it might be elected by the House of Commons, or chosen on a soviet basis such as Mr. Macdonald suggests, or by a combination of the two. Lord Bryce, in *Modern Democracies,* suggests selection by a small group similar to the Committees of Selection in the two Houses of Parliament which select members, in accordance with party strength in the House, to serve on committees. Such a group would fulfil the function assigned to the Roman censors of old in choosing the Roman Senators, but Bryce, while believing in the merits of such a plan, questions its acceptance in a modern democracy.[56]

[55] J. A. Spender, *op. cit.,* I, 170.
[56] Lord Bryce, *Modern Democracies,* 2 v. (New York, 1921), II, 414–416.

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